

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	20-CR-00213(KAM)
	:	
	:	
-against-	:	United States Courthouse
	:	Brooklyn, New York
	:	
	:	January 27, 2023
QUANDEL SMOTHERS,	:	9:00 a.m.
	:	
Defendant.	:	

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TRANSCRIPT OF CRIMINAL CAUSE FOR JURY TRIAL  
BEFORE THE HONORABLE KIYO A. MATSUMOTO  
UNITED STATES SENIOR DISTRICT COURT JUDGE

A P P E A R A N C E S:

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Proceedings

1059

1 (In open court - jury not present.)

2 (Defendant present.)

3 THE COURT: We are going to go on the record now.

4 Criminal case on trial, United States versus

5 Smothers, 20-cr-213.

6 All can counsel and Mr. Smothers are present.

7 So we have Juror No. 4 on hold. She reports that  
8 her mother's daycare or care person did not show up. So she  
9 cannot come in today. She claims she left a message with  
10 somebody. It wasn't us. We told her that she's expected to  
11 be here. But the bottom-line is she is at home right now.

12 Ms. Jackson, you have Juror No. 4 on hold?

13 THE COURTROOM DEPUTY: Yes.

14 THE COURT: Could you convey what she told you? I  
15 might have garbled what you told me.

16 THE COURTROOM DEPUTY: She stated that she had  
17 called and left a message for us to say that her mother has an  
18 aide, but the aide is unable to tend to her mother today, so  
19 she has to.

20 I told her that's not how it works, she would be  
21 needed to come to court, she would be required to come to  
22 court and relay that information to us.

23 THE COURT: But we would like you to confer as to  
24 how you want to proceed okay.

25 MS. NGAI: Okay. If you could give us a moment.

Proceedings

1060

1 THE COURT: Could you tell her we are call her back.  
2 Get her phone number. Thank you.

3 THE COURTROOM DEPUTY: Yes.

4 (Pause.)

5 MS. NGAI: Your Honor?

6 THE COURT: Yes.

7 MS. NGAI: The parties have conferred and I think  
8 the -- the parties have conferred and I think the initial  
9 question is can Juror No. 4 come at all today. Is she able to  
10 arrange help and we can start later today if that's a  
11 possibility?

12 If it's not a possibility, then I think we can talk  
13 about the option of doing witnesses on Monday, but -- if she  
14 is able to arrange for help and come later today, obviously we  
15 would be amenable to starting later today. But we just want  
16 to know what the options are.

17 THE COURT: I also need to find out whether she is  
18 going to be able to have somebody for the duration of the  
19 trial if her mother's aide is not able to come.

20 Ms. Jackson, do you have her phone number?

21 THE COURTROOM DEPUTY: Yes, Judge.

22 THE COURT: Give her a call.

23 MR. SIEGEL: Your Honor, you are right to raise that  
24 issue, if, for example, this could be something that is going  
25 to prevent her from coming Monday too.

Proceedings

1061

1 (Pause.)

2 THE COURT: Do you want me to have her on speaker so  
3 you hear what she says? I want to be very transparent.

4 MR. GALEOTTI: I think it is better not to, Your  
5 Honor.

6 THE COURT: Okay.

7 MR. GUADAGNINO: Okay. With the Court doing -- you  
8 want to hear?

9 MS. NGAI: We are fine if the Court has its own  
10 conversations with the juror and then we are relayed that  
11 information.

12 MR. GUADAGNINO: That's fine, Your Honor.

13 THE COURT: All right. Thank you.

14 (Pause.)

15 THE COURT: Juror No. 4 advises that the home health  
16 aide is not available today. She has nobody else to call and  
17 the home health aide is going out of town or is out of town  
18 next week, and that she works for an agency, but her mother is  
19 in a state of mind where she's not comfortable with strangers  
20 in her home. She knows this home health aide, and, so, the  
21 juror believes that there isn't anybody else right now other  
22 than herself to watch her mother.

23 MR. GALEOTTI: Your Honor, in that case, we don't  
24 have much of a choice, so we would consent to replacing the  
25 juror.

Proceedings

1062

1 MR. GUADAGNINO: Yes.

2 THE COURT: All right.

3 MR. GUADAGNINO: At that point, there's nothing we  
4 can do.

5 THE COURT: Well, I will advise her of that and then  
6 we will move alternate Juror No. 3 into the seat formerly  
7 occupied by Juror No. 4. So, for the record, that would be  
8 Mr. Fillippi.

9 All right. I'm going to call her now. And if the  
10 parties are ready, Ms. Jackson will line everybody up and I  
11 will just instruct them accordingly.

12 MR. GALEOTTI: One brief administrative --

13 THE COURT: Wait. I think he has another issue.

14 MR. GALEOTTI: It's not an issue.

15 I wondered if Your Honor thinks it might be worth  
16 mentioning this projected schedule to the jurors to perhaps  
17 assure them that this isn't going to go on for some lengthy  
18 period of time. So, we do have the weekend coming up, and  
19 make sure no one runs into an accidental issues or calls over  
20 the weekend thinking this is going to go on for three weeks or  
21 something like that. Of course, defer to Your Honor, given we  
22 are down to one.

23 THE COURT: I think they didn't mention they want to  
24 be apprised of schedules. We haven't responded because it is  
25 a shifting landscape. If the parties are in agreement, we can

Proceedings

1063

1 advise them that we expect -- the Government's expects to rest  
2 next week and we will -- I just don't want them to feel rushed  
3 to reach a verdict and I don't want to speak for the defendant  
4 because I don't yet know whether he is going to present a  
5 case.

6 If I mention your right to present a case, I will  
7 also mention that you have no obligation to do so.

8 MR. GUADAGNINO: That's fine.

9 THE COURT: So, I'll ask Ms. Jackson to call Juror  
10 No. 4 to advise her she will be excused. We will have to get  
11 her pass card back and get her paperwork, so she will have to  
12 come in and report when she can.

13 THE COURTROOM DEPUTY: Okay.

14 THE COURT: I will instruct the jury, in a similar  
15 vein as last week, when we excused juror number -- I believe  
16 it was -- we put in alternate number two into seat number  
17 seven. The jury will get the same instruction.

18 All right. We will bring the jury in, then.

19 (The jury enters the courtroom.)

20 THE COURT: All members of the jury are present,  
21 except for one.

22 Please have a seat.

23 THE COURT: Good morning, members of the jury.

24 For reasons that you need not concern yourselves, we  
25 have excused Juror No. 4. So that means alternate No. 3, Mr.

1 Fillippi, please occupy the seat formerly occupied by Juror  
2 No. 4.

3 Again, please do not speculate as to why Juror No. 4  
4 has been excused. I appreciate your ongoing service and  
5 attention.

6 In terms of scheduling, members of the jury,  
7 although we had originally advised you that this is likely to  
8 be at the outside a three-week trial, the Government  
9 anticipates resting next week, early next week, which means  
10 they will finish their presentation of evidence.

11 And as I told you earlier, Mr. Smothers has no  
12 obligation to present a case because the burden of proof is on  
13 the Government. But if he choses to present a case, he will  
14 do so early next week. We expect that we will be able to  
15 instruct you on the law next week and that you will begin your  
16 deliberations. So we wanted to give you some scheduling  
17 information in case that affects your plans.

18 But, please, again, do everything you can to stay  
19 safe and healthy so that you can return to court next week for  
20 the trial.

21 And I want to thank you again for your service as  
22 jurors.

23 You may begin.

24 MS. NGAI: Thank you, Your Honor.

25 Your Honor, the Government calls Andrew Campbell.

Proceedings

1065

1 THE COURT: Thank you.

2 Good morning, sir. You are still under oath.

3 Please have a seat. The water is for you if you'd like it.

4 THE WITNESS: Appreciate it.

5 THE COURT: You may begin.

6 MS. NGAI: Thank you, Your Honor.

7 (Continued on next page.)

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Campbell - direct - Ngai

1066

1 ANDREW CAMPBELL,

2 called as a witness, having been previously duly

3 sworn/affirmed, was examined and testified as follows:

4 DIRECT EXAMINATION (Continuing)

5 BY MS. NGAI:

6 Q Good morning, sir.

7 A Good morning.

8 Q Mr. Campbell, yesterday we talked about you just joined  
9 E.A.M.; is that right?

10 THE COURT: I think you need to speak into the  
11 microphone, we can't hear you.

12 MS. NGAI: Can you hear me now?

13 THE WITNESS: Not really.

14 THE COURTROOM DEPUTY: You're good now.

15 MS. NGAI: Perfect.

16 Q Can you hear me now, Mr. Campbell?

17 A Yeah. Mr. Campbell.

18 Q Yesterday we talked about why you joined E.A.M.; is that  
19 right?

20 A Yes, ma'am.

21 Q And you also said that E.A.M. is Blood; is that right?

22 A Yes.

23 Q Okay. So this morning I want to talk to you briefly  
24 about how E.A.M. fits into the Bloods.

25 Are there Blood Nations operating in New York.

Campbell - direct - Ngai

1067

1 A Yes.

2 Q Give us some examples.

3 A The NYB. One of them is New York Bloods; the UGSN, the  
4 Untouchable Gorilla Stone Nation; the NYBBA, New York Blood  
5 Brim.

6 Q You mentioned New York Bloods. That stands for NYB?

7 A Yes.

8 Q I'm now going to show you what has been admitted as  
9 Government Exhibit 800.

10 MS. NGAI: Ms. Wissel, can you please pull up  
11 Government Exhibit 800 on the screen.

12 Q Mr. Campbell, I have it up on this demonstrative. Can  
13 you see this demonstrative?

14 A Yes.

15 Q Okay. Do you see the chart that's reflected on  
16 Government Exhibit 800 right here?

17 A Yes.

18 Q As you look at it, do you agree with the structure?

19 It should also show up on the screen next to you.

20 A It was there just now.

21 Q Look again. Do you see it?

22 A Yes.

23 Q As you sit here today, do you agree with the structure  
24 that is in Government Exhibit 800?

25 A Yes.

Campbell - direct - Ngai

1068

1 Q And take a look at the first two lines. You mentioned  
2 New York Blood, UBM, United Blood Nations, and then the  
3 Untouchable Gorilla Stone Nation; is that right?

4 A You're missing one.

5 Q Which one?

6 A NYBBA.

7 Q Thank you. Are they all nations?

8 A Yeah.

9 Q Let's look at the third line, E.A.M., Elite Assassin  
10 Millas. Do you see that?

11 A Yes.

12 Q Is that -- what is that considered?

13 A That's considered a hood that falls under the nation of  
14 the NYB.

15 Q Are there other hoods that fall under NYB?

16 A Yes.

17 Q Can you provide some examples?

18 A One, E.A.M., Elite Assassin Millas; 2, EBB, East Bebop,  
19 Maserati, Death Row Milla.

20 Q Approximately how many hoods fall under NYB?

21 A I don't know the exact number at the time. I don't -- I  
22 could a like around eight.

23 Q Thank you.

24 Who are the Millas? Have you ever heard of the  
25 word?

Campbell - direct - Ngai

1069

1 A Yeah.

2 Q What does that mean?

3 A Millas are identified as Mazzis.

4 Q What does Mazzi mean?

5 A It's like short for Maserati.

6 Q Do you use the word Maserati or Mazzis or Millas to refer  
7 to a group of people?

8 A Yes.

9 Q Okay. And who is that group of people?

10 A Well, Mazzi is just -- it's -- it's NYB, just strictly  
11 whoever falls under the NYB, which is just strictly Millas,  
12 period.

13 Q Got it. So anyone who is a hood -- anyone who is part of  
14 a hood in NYB is considered a Milla?

15 A Correct.

16 Q Or a Mazzi?

17 A Correct.

18 Q Thank you.

19 You said that they are also called Mazzis. Why are  
20 they also called Maseratis?

21 A Bloods mostly go whips.

22 Q What are whips?

23 A Whips are cars, cars that identify as -- hum, just like,  
24 for instance, for example, NYBBA, New York Blood Brim Army,  
25 one of the whips they have, cars that one of the hoods go by,

Campbell - direct - Ngai

1070

1 which is 59 Brim Prime Time, they go by Aston Martins.

2 Untouchable Gorilla Stone Nation, another example.

3 Bullet Stone Gorilla Gang, they go by Bugatti Boys.

4 Q Got it.

5 A Sure.

6 Q What do E.A.M. members call themselves?

7 A What exactly do you --

8 Q Sure. Do you use any other names to refer to yourself,  
9 to self-identify as E.A.M.?

10 A Oh, yeah.

11 Q What is that?

12 A AK.

13 Q Do you know what it stands for?

14 A Yeah.

15 Q What does it stand for?

16 A Allah Kings.

17 Q Mr. Campbell, do you have any tattoos indicating you are  
18 AK or E.A.M.?

19 A Yes, ma'am.

20 Q Where do you have that tattoos?

21 A On my fingers.

22 Q Can you please show us?

23 Can you please explain to the jury which fingers and  
24 what do you have?

25 A This one is M for Maserati.

Campbell - direct - Ngai

1071

1           This would be an A and a K, so when I throw it up,  
2 you would know not only that I am Mazzi but that's my hood.  
3 That's what I identify as.

4       Q     Thank you.

5           MS. NGAI: Let the record reflect that the witness  
6 -- Mr. Campbell, can you please demonstrate that again.

7       A     (Indicating).

8           MS. NGAI: -- that Mr. Campbell has made an M sign  
9 with the right hand.

10      Q     And the A is on your pinkie; is that right?

11      A     Yes, correct.

12      Q     The K is on your pointer finger?

13      A     Yes.

14      Q     Thank you.

15           Looking at Government Exhibit 800, the document on  
16 your screen, do you see the bottom row where it says Body  
17 Town, Gun Town, Homicide Town and Bean Town?

18      A     Yes.

19      Q     Do you see recognize those terms?

20      A     Yes.

21      Q     What are they?

22      A     Those are basically -- within the E.A.M. you have areas  
23 of neighborhoods, they be like that specifically is Brooklyn,  
24 so like it will be different areas of Brooklyn, like.

25      Q     So, for example, what is Bean Town?

Campbell - direct - Ngai

1072

1 A Bean Town would be considered --

2 THE COURT: Thank you.

3 A Bean Town would be considered Bushwick.

4 Q What about Gun Town?

5 A Gun Town would be considered East New York.

6 Q What about Homicide Town?

7 A I truly don't know.

8 Q What about Body Town?

9 A Body Town, I'm not really sure either.

10 Q Which town did you associate yourself with?

11 A I resided in Bean Town, but associated with Gun Town.

12 Q Thank you.

13 MS. NGAI: We can pull down Government Exhibit 800.

14 Q Mr. Campbell, when you joined E.A.M., how many members  
15 were there, approximately?

16 A When I was younger?

17 Q Yes.

18 A It was like, I would say a few hundred.

19 Q I'm going to show you at this time what has been admitted  
20 as Government Exhibit 1.

21 MS. NGAI: Ms. Jackson, may I please use the elmo?

22 Q Mr. Campbell, do you recognize the individual in this  
23 photo?

24 A Yes.

25 Q Who is it?

Campbell - direct - Ngai

1073

1 A Chucky.

2 Q Is that the same person you identified in court  
3 yesterday?

4 A Yes, ma'am.

5 Q Now, yesterday, you said that you've known Chucky for  
6 about two years; is that right?

7 A About. Yes.

8 Q When did you first meet -- where did you first meet him  
9 again?

10 A At a hair salon.

11 Q Why did you meet him at a hair salon?

12 A There was a meeting being thrown -- well, a meeting, a  
13 gang meeting being thrown in the Flatbush area, and I had met  
14 him through another individual named Smilez that called the  
15 meeting.

16 Q Was it an E.A.M. meeting?

17 A Yes.

18 Q What happened during this meeting?

19 A This conversation was about updates on what's going to be  
20 going on with the hood and possibly the Nation.

21 Q Was Chucky present?

22 A Yes.

23 Q You didn't know him at that time; is that right?

24 A I didn't, no.

25 Q Did he say anything at this meeting?



Campbell - direct - Ngai

1074

1 A Not much.

2 He did state was -- we were in the midsts of  
3 listening to one individual, and one of the Brownsville AK  
4 members was getting a little drunk at the event and he was  
5 kind of pointed out like yo, listen, like, chill out, kinds of  
6 drinking, there's a meeting going on.

7 And Chucky went to the middle, just explained kind  
8 of who he was when he -- and I kinda figured he was somebody  
9 because you could hear a pin drop when he was in the room.

10 Q So just to be clear, you could hear the pin drop when  
11 Chucky was in the room?

12 A Like once he stated -- once it was known that Chucky -- I  
13 didn't know who he was at the time, so I'm just -- I'm looking  
14 like who's this? Then, you know, it was stated -- he stated  
15 that he had the situation.

16 Q What did you understand that to mean?

17 A That at that time he was the active big homey for E.A.M.

18 Q And when you say big homey, what do you mean by that?

19 A He was the -- -- basically like head honcho.

20 Q Of E.A.M.?

21 A Of E.A.M.

22 THE COURT: Just so I'm clear, so Chucky spoke to  
23 the Brownsville AK who was drinking?

24 THE WITNESS: He didn't speak. He didn't speak to  
25 Migos.

Campbell - direct - Ngai

1075

1 THE COURT: So what, if anything -- did Chucky say  
2 anything that made you think he was --

3 THE WITNESS: No. It was basically he said -- I  
4 asked -- Migos, he was basically, like, being, you know,  
5 scolded about him being drunk.

6 THE COURT: Who was being scolded?

7 THE WITNESS: Migos.

8 THE COURT: Who was scolding him?

9 THE WITNESS: Joker. It was an individual named  
10 Joker. He was also a big homey. He was scolding him, and  
11 basically saying, like, homey, like, what's going on?

12 I pulled Migos to the side, like, yo, chill. When I  
13 spoke to Smilez, he had informed me, like, yo, bro, Chucky in  
14 the room. Like, who's that? He was, like, that's the big  
15 bro.

16 So when he did speak, he just said I got the  
17 situation when he finally did get to address everybody in the  
18 room.

19 THE COURT: So Chucky addressed everybody in the  
20 room at some point?

21 THE WITNESS: Yes, ma'am.

22 THE COURT: Is that when you said you could hear a  
23 pin drop?

24 THE WITNESS: Yeah. When it was time to be quiet,  
25 they got a term called in vogue, so it's just, like, be quiet.

Campbell - direct - Ngai

1076

1 Q In vogue, you said?

2 A Yeah, I would think, yeah.

3 Q And what, if anything, did Chucky say just about the hood  
4 or about anything related to E.A.M. business?

5 A Honestly, that was a little while back, so I can't  
6 really, you know, exactly speak on exactly what was said.

7 Q Okay. Did you say anything to Chuck after this meeting?

8 A I basically approached him, let him know who I was.

9 At the time I was going through -- my brother had  
10 died by another Milla set, so I had approached him. Let him  
11 know who I was, and he was eating Cheetos and he was just  
12 letting me know, like -- and I told him my name was Phaze,  
13 and, you know, he was like, you know -- we were just basically  
14 introducing each other, you know. That was about it.

15 Q After this meeting -- do you remember approximately when  
16 this happened?

17 A What do you mean?

18 Q Like when did this meeting happen?

19 A I don't remember the exact date.

20 THE COURT: Do you remember the year?

21 THE WITNESS: 2018.

22 THE COURT: Thank you.

23 Q After this meeting in 2018, did there come a time when  
24 you started to get to know Chuck more?

25 A Yeah.

Campbell - direct - Ngai

1077

1 Q When was that?

2 A I would say like going into 2019.

3 Q And what was your relationship like at that time with  
4 him?

5 A It wasn't -- I mean, the second time I met him was at  
6 another universal.

7 Q What is a universal?

8 A It's a meeting not only with E.A.M. members but just the  
9 whole NYB, like every hood in the NYB has to come.

10 Q Remember how we just talked about the Millas?

11 A Yes.

12 Q The Millas. And is it fair to say that all the Millas  
13 are -- it includes everyone in the hoods that fall under NYB?

14 A Yes.

15 Q So does the universal -- is that attended by everyone who  
16 falls under NYB?

17 A That's attended every year. Yes. Yes.

18 Q Are you familiar with the word "status" in E.A.M.?

19 A Yes.

20 Q What does "status" mean?

21 A Status is just like a ranking, just like a status, like a  
22 ranking position where you're at.

23 Q Did -- and you mentioned before when you met him in 2018  
24 that you thought of Chuck as the big homey; is that right?

25 A I'm sorry. Can you repeat that?

Campbell - direct - Ngai

1078

1 Q Sure.

2 Just now, when you said you met Chucky in 2018, you  
3 thought he was the big homey?

4 A Yes.

5 Q Is that right?

6 A Yes.

7 Q Does that mean Chuck has status?

8 A Yes.

9 Q What status did Chuck have in 2019?

10 A Well, in 2019, towards the end, it was -- he started to  
11 -- it was being spread around by not only him but everybody  
12 that was E.A.M. that he had GF for the NYB.

13 Q What does "GF" mean?

14 A Godfather.

15 Q What does it mean to be a godfather?

16 A Self-explanatory. Godfather, just like top dog.

17 Q He is in charge of everything?

18 A Yeah.

19 Q What was he in charge of?

20 A Saying so, what goes on specifically in the NYB Nation.

21 Q Do you know when he became godfather of NYB?

22 A That I do not know.

23 Q Was there a meeting -- was there a universal meeting in  
24 2019?

25 A Was there a universal meeting -- I'm not sure if it was

Campbell - direct - Ngai

1079

1 in 2019 or the ending of 2018.

2 Q I will come back to that.

3 Who was the godfather of NYB before Chuck?

4 A Iz. His name was Big Iz.

5 Q Have you ever met Iz?

6 A I've never met him, never seen him.

7 Q And are you familiar with the term "lineup"?

8 A Yes.

9 Q What is a lineup?

10 A Lineup is considered LU, just it's a list of individuals  
11 that -- it's a list of individuals that have some sort of  
12 position within the gang or high ranking, from highest to  
13 lowest.

14 Q Is there something called a worldwide lineup in E.A.M.?

15 A Yes.

16 Q What is the worldwide lineup?

17 A Worldwide LU is same thing as -- it's specifically E.A.M.  
18 highest to lowest, but it's not just a regular lineup. Not  
19 only do you have position for -- or say so with, you know,  
20 your area, you have position or say so with anything else that  
21 has to do with E.A.M.

22 Q Got it.

23 Can anyone in E.A.M. just join the worldwide lineup?

24 A No.

25 Q Who decide who gets to be on the worldwide lineup?

Campbell - direct - Ngai

1080

1 A A few people.

2 Q Like who?

3 A Bowser, Chucky, Smilez, as far as those three, those are  
4 probably the only ones that I could say officially stamp  
5 something, basically what I mean by that is make it official.

6 Q And Bowser is E.A.M.?

7 A Yes, ma'am.

8 Q What do you call the highest position in E.A.M., big  
9 homey -- is there another?

10 A I would call it big homey, but the politically correct  
11 answer would be like triple 0.

12 THE COURT: Trick low?

13 THE WITNESS: No, triple 0.

14 THE COURT: Triple 0. Sorry about that.

15 THE WITNESS: Yeah.

16 Q Mr. Campbell, do you see in front of you?

17 A Yes, ma'am.

18 Q Do you know who this person is?

19 A Yeah, John Warren.

20 Q Do you know any other names for him?

21 A Smilez.

22 Q Is he also a member of E.A.M.?

23 A At the moment? No.

24 Q At the time that you knew him?

25 A Yes.

Campbell - direct - Ngai

1081

1 Q And how long have you known him for?

2 A I met Smilez ending of 2016, going into 2017.

3 Q What, if any, status did Smilez have in E.A.M.?

4 A He had like a -- it's shared. So he also had like a high  
5 position of, like, triple 0.

6 Q To your knowledge, do you know when he held that triple 0  
7 position?

8 A It fluctuated like every few months somebody was  
9 triple 0. It was him. If it wasn't him, it was Bowser. It  
10 if wasn't Bowser -- it fluctuated.

11 Q What was your relationship with Smilez like?

12 A That was my dog.

13 Q What do you mean by that?

14 A Somebody I really at one point looked up to.

15 Q Why is that?

16 A We had a lot in common. We -- we liked to do the same  
17 thing, you know, he party host, I do entertainment on  
18 Instagram, so, it just meshed.

19 Q Looking at that board, do you see it? It's on the  
20 ground, but do you see that board?

21 THE COURT: Can we just -- before we move on, can we  
22 identify the exhibit that you showed him as Government Exhibit  
23 10, please.

24 MS. NGAI: Yes, Your Honor, it is Government Exhibit  
25 10.



Campbell - direct - Ngai

1082

1 Q Mr. Campbell, --

2 A Yes, ma'am.

3 Q -- do you see this board here?

4 A Yes.

5 Q When you talked about the towns?

6 A Yes.

7 Q What town, only if you know, was Smilez associated with?

8 A I believe Gun Town.

9 THE COURT: Again, you're showing the witness  
10 Government Exhibit 800?

11 MS. NGAI: Yes, that's correct.

12 Q Mr. Campbell, I am going to show you what is Government  
13 Exhibit 4, which has been admitted into evidence.

14 Do you see that?

15 A Yes, ma'am.

16 Q Who is this?

17 A That's me.

18 Q Is that your name?

19 A Yes.

20 MS. NGAI: Permission to publish this place card on  
21 to the headboard for Government Exhibit 800A.

22 THE COURT: Granted.

23 MS. NGAI: My apologies, Government Exhibit 803.  
24 The card that I just put up says Andrew Campbell.

25 Q Mr. Campbell, were you in the worldwide lineup?

Campbell - direct - Ngai

1083

1 A Yes.

2 Q When did you join the lineup?

3 A I'm not really -- I don't want -- I want to give you the  
4 exact, but I'm not really sure or, like, remember when --

5 Q Approximately.

6 A Probably like -- I would say around going in 2019.

7 Q After you met Chucky?

8 A Yeah.

9 Q And when you first joined the lineup, what position did  
10 you have?

11 A When I first joined it, I had first floor.

12 Q What does a first floor do?

13 A First floor is a -- I mean, it was told to me that first  
14 floor was somebody that basically gets information from  
15 anybody that's under or not in the worldwide lineup that wants  
16 to talk to somebody above that's a top dog and they have to go  
17 through me first to even try to talk to second or third or  
18 fourth floor.

19 Q Did you later have any other positions in the worldwide  
20 lineup?

21 A Yeah, I shared a fifth floor worldwide status.

22 Q What is a fifth floor status do?

23 A Fifth floor is like -- honestly, I don't really know what  
24 the fifth floor.

25 Q But you held that position?

Campbell - direct - Ngai

1084

1 A Yeah, I held that position.

2 Q Who did you share it with?

3 A Buckwild.

4 Q Any other positions in the lineup?

5 A Yeah, and I had triple 0 at one point right I got  
6 indicted.

7 Q Do you remember approximately what year that was?

8 A Yeah, 2020.

9 Q Did you share that position with anyone?

10 A Yes.

11 Q Who?

12 A Buckwild.

13 Q Who put you in these positions?

14 A Bowser.

15 Q Was he the only one who put you in that position?

16 A He verbally put me in the position.

17 Q Did anyone else have to approve of you being in those  
18 positions?

19 A Yeah.

20 Q Who?

21 A Chuck.

22 Q At the time that you were triple 0, could you put someone  
23 in the worldwide lineup?

24 A No.

25 Q Why not?

Campbell - direct - Ngai

1085

1 A That was more of a face thing. So normally you would  
2 imagine to being a triple 0, you would do whatever you want.  
3 That wasn't the case with this particular hood.

4 It was a lot of -- just -- it's like a favoritism  
5 thing. I was like the face, but even though I was the face  
6 and I had triple 0, I still wasn't able to do certain things  
7 and be able to, you know, push certain buttons, which means,  
8 you know, order certain things. It was face.

9 Q Who could push the button and order certain things?

10 A Smilez, Bowser, Chucky.

11 Q I'm now going to show you what has been marked as  
12 Government Exhibit 19.

13 MS. NGAI: Permission to publish?

14 THE COURTROOM DEPUTY: The elmo?

15 MS. NGAI: Yes, using the elmo.

16 Q Do you see that on your screen?

17 A It's a blank screen.

18 MR. SIEGEL: This is in evidence.

19 THE COURT: Can you see it now, sir?

20 THE WITNESS: Yes, ma'am.

21 THE COURT: He can see it.

22 MS. NGAI: Great.

23 THE COURTROOM DEPUTY: Can the jurors see it?

24 THE JURY: Yes.

25 Q Do you recognize this individual?

Campbell - direct - Ngai

1086

1 A Yes. Yes, ma'am.

2 Q Who is it?

3 A Buckwild.

4 Q Is that the Buckwild that you were talking about just  
5 previously?

6 A Yes, ma'am.

7 Q Do you see the tattoos on his face?

8 A Yes.

9 Q Do you recognize the tattoo on his left cheek?

10 A Yes.

11 Q What is it?

12 A It's a Russian Kalashnikov AK-47.

13 THE COURT: Actually, it's his right cheek.

14 MS. NGAI: Right cheek, sorry.

15 Q What was your relationship with Buckwild like?

16 A It was all right. At one point that was somebody I  
17 considered a friend.

18 THE COURT: You shared positions with him as you  
19 attained rank?

20 THE WITNESS: Yes, ma'am.

21 THE COURT: Thank you. So did you work together or  
22 separately in decisionmaking in your role as triple O?

23 THE WITNESS: I wasn't really in the triple O with  
24 him that long to have, you know, at that point make decisions  
25 with him because we didn't -- it wasn't shared with me that

Campbell - direct - Ngai

1087

1 long.

2 I got indicted like the first 40 days of me even  
3 sharing that position with him. We didn't reach that point.

4 THE COURT: I see.

5 Q Mr. Campbell, do you see what has been admitted as  
6 Government Exhibit 19 again? Do you see that on your screen?

7 A Yes.

8 Q Do you see where I am pointing to?

9 A Yes. Forehead.

10 Q Do you recognize that tattoo?

11 A Yes.

12 Q What is it?

13 A It's a Maserati emblem upside down.

14 Q This one right here?

15 A Yes.

16 THE COURT: So on the forehead between the eyebrows?

17 THE WITNESS: Yes.

18 THE COURT: Right between the eyebrows?

19 THE WITNESS: Yes.

20 THE COURT: Thank you.

21 MS. NGAI: Thank you.

22 Q Mr. Campbell, showing you what has been admitted as  
23 Government Exhibit 15, do you recognize this individual?

24 A Yes, ma'am.

25 Q And who is it?

Campbell - direct - Ngai

1088

1 A Bowser.

2 Q Is he part of E.A.M.?

3 A Yes, ma'am.

4 Q What, if any, status did he have?

5 A It fluctuated. In and out. Sometimes I -- from what I  
6 understood, he shared status with either Chucky or Smilez  
7 sometimes, but it wasn't really -- he was -- like he was one  
8 of the voices. He was just there and whatever he said. He  
9 was one of those that -- one of them also, whatever he said  
10 supposedly was supposed to go.

11 Q What was your relationship with Bowser like?

12 A We was not really friends.

13 THE COURT: You were not really friends?

14 THE WITNESS: No, I don't -- yeah.

15 Q Showing you what has been admitted as Government Exhibit  
16 13, do you recognize this individual?

17 A Yeah, Joshua Cooper.

18 Q Do you know of any other name for him or names?

19 A Buck.

20 Q What is Buck's status right now?

21 A He passed away, but he wasn't even an E.A.M. member when  
22 he did pass away.

23 Q Was he an E.A.M. member before he passed away?

24 A Yes. Well, not necessarily. He ended up switching  
25 hoods, switching gangs at some point during my incarceration.

Campbell - direct - Ngai

1089

1 Q So he was -- he was E.A.M. at one point and then he  
2 switched?

3 A Yeah. My last time understanding his affiliation with  
4 E.A.M. was before I got indicted, right before I got indicted.

5 Q What, if any, status did he have in E.A.M. when he was  
6 still part of the gang?

7 A He was one of the individual that also stated that he had  
8 GF status.

9 MS. NGAI: I'm now going to show just for the  
10 witness, counsel, and the Court only what has been marked as  
11 Government Exhibit 18.

12 Q Mr. Campbell, do you recognize this individual?

13 A Yes, ma'am.

14 Q Who is he?

15 A Kellz.

16 Q Do you know his real name?

17 A Marquel.

18 Q Sorry. Say that again.

19 A Marquel.

20 Q Do you know a last name for him?

21 A No.

22 MS. NGAI: Your Honor, at this time we would move to  
23 -- oh.

24 Q How do you know Kellz?

25 A Kellz was one of my drops.



Campbell - direct - Ngai

1090

1           As I said yesterday, a drop is somebody that falls  
2 under you. You can take them under your wing, somebody of  
3 influence, like everybody in Blood at some point has either a  
4 big homey or is a drop, and he was one of my drops.

5 Q     So he was part of E.A.M.?

6 A     Yes.

7           THE COURT: He said Kellz, K-E-L-L-S?

8           THE WITNESS: K-E-L-L-Z.

9           THE COURT: K-E-L-L-Z. Thank you.

10 Q     Did Kellz have any status in E.A.M.?

11 A     No.

12 Q     Do you know when he joined the gang, approximately?

13 A     No.

14 Q     What was your relationship with him like?

15 A     My relationship, that was a friend of mine.

16           MS. NGAI: Your Honor, permission to publish  
17 Government Exhibit 18 on the headboard which is marked as  
18 Government Exhibit 803.

19           THE COURT: And this is in evidence; correct?

20           MS. NGAI: This has now been...

21           THE COURT: You didn't move it in yet.

22           MS. NGAI: Sorry. The Government offers Government  
23 Exhibit 18 into evidence.

24           THE COURT: Any objections?

25           MR. GUADAGNINO: No objection.

Campbell - direct - Ngai

1091

1 THE COURT: We receive Government Exhibit 18 and you  
2 may put it on the board.

3 (Government's Exhibit 18 received in evidence.)

4 MS. NGAI: And, simultaneously, we would also move  
5 in the place card Kellz.

6 THE COURT: All right.

7 MS. NGAI: Thank you.

8 THE COURT: Granted.

9 There was another exhibit that you had put on the  
10 board. Had you moved that one in? I'm trying to think what  
11 photo.

12 MS. NGAI: The last one had been admitted as  
13 Government Exhibit 13.

14 THE COURT: Okay. Great. Thank you.

15 Government Exhibit 13 is in evidence as well. All  
16 right.

17 (Government's Exhibit 13 received in evidence.)

18 THE COURT: Actually, it was Government Exhibit 4, a  
19 photo of Mr. Campbell.

20 MS. NGAI: I believe I admitted it, but if I  
21 haven't, we offer it into evidence.

22 MR. GUADAGNINO: No objection.

23 THE COURT: Exhibit 4 is admitted in case it wasn't  
24 previously.

25 (Government's Exhibit 4 received in evidence.)

Campbell - direct - Ngai

1092

1 THE COURT: And Government Exhibit 18 is admitted,  
2 and both are on the board.

3 (Government's Exhibit 18 received in evidence.)

4 Q Mr. Campbell, I'm now going to show --

5 MS. NGAI: I'm going to show just the witness and  
6 court and counsel what has been marked as Government Exhibit  
7 122A to H.

8 Could we please switch to trial director.

9 Q Mr. Campbell, do you recognize these photos?

10 A Yes, ma'am.

11 Q What are they photos of?

12 A They're photos of me, Chucky, and a whole bunch of other  
13 gang members at a meeting.

14 Q And how do you recognize it?

15 A I'm sorry, what?

16 Q How do you recognize it? How do you recognize these  
17 documents that you are seeing right now?

18 A How do I -- I don't understand your question. How do you  
19 recognize it? Oh, they are gang pictures.

20 Q Were you present when these photos were taken?

21 A Yes.

22 Q And approximately when were these photos taken?

23 A I would say like '19.

24 Q 2019?

25 A Yeah.

Campbell - direct - Ngai

1093

1 Q Are these photos fair and accurate representations or --  
2 do they fairly capture the meeting and the gang members that  
3 you are talking about?

4 A What do you mean fairly capture?

5 THE COURT: Do they represent or do they look  
6 accurate?

7 THE WITNESS: Oh, yes.

8 MS. NGAI: Your Honor, at this time the Government  
9 offers Government Exhibits 1222A through H.

10 MR. GUADAGNINO: No objection.

11 THE COURT: We receive Government Exhibits 1222A  
12 through 1222H.

13 (Government's Exhibits 1222A through 1222H received  
14 in evidence.)

15 THE COURT: You may publish.

16 MS. NGAI: Thank you.

17 Q Mr. Campbell, I'm going to first show you 1222A. Do you  
18 see that?

19 THE COURT: Do you see the photograph?

20 A Yes.

21 One -- 1222A?

22 THE COURT: Yes.

23 Q Who are the individuals in this photo?

24 A One of them is a female, a blood member that goes by the  
25 name of Kia, if I'm not mistaken.

Campbell - direct - Ngai

1094

1 Q Who else? Who else do you see in this photo?

2 A Chucky.

3 Q Can you please circle him on the screen?

4 A (Indicating).

5 Q What is he wearing? Can you identify him in this photo?

6 A He's wearing Air Maxes with some pair of shorts and a  
7 white shirt.

8 Q Is he the one with the white shirt and the blue stripe?

9 A Yes.

10 Q Are you in this photo?

11 A No.

12 Q What is happening in this photo? Why were you all  
13 together or why was Chucky there?

14 A Well, that was a meeting specifically about who was going  
15 to have control over the NYB Nation.

16 Q Was Iz GF at that time?

17 A He was -- I mean, Iz is like always in existence,  
18 existing identity in E.A.M., but this is what the meeting was  
19 basically around, like, who was going to overpower him and  
20 just --

21 Q So this was a meeting to decide who would lead NYB, is  
22 that fair to say?

23 A Yes, ma'am.

24 Q Beside Chuck, were other E.A.M. members at this meeting?

25 A Yes, ma'am.

Campbell - direct - Ngai

1095

1 Q And you said you were also at this meeting?

2 A Yes, ma'am.

3 Q Were there any other members from other sets present at  
4 this meeting?

5 A Yes, ma'am.

6 Q Which sets?

7 A M.G.G., E.A.M.

8 Oh, EBB. EBB, M.G.G., and E.A.M.

9 MS. NGAI: Can we please turn to Government Exhibit  
10 1223.

11 Q Mr. Campbell, is this a photo from the same meeting?

12 A Yes, ma'am.

13 Q Are you in this photo?

14 A Yes, ma'am.

15 Q Can you please circle on this photo where you are?

16 A (Indicating.)

17 Q Are you on the bottom right wearing a white t-shirt?

18 A Yes.

19 Q Is Chucky in this photo?

20 A Yes, ma'am.

21 Q Can you please also circle that?

22 A (Indicating.)

23 Q Is he the second person to the left of the photo who's  
24 standing up?

25 A Yes, ma'am.

Campbell - direct - Ngai

1096

1 Q Do you recognize any other E.A.M. members in this photo?

2 A Yes.

3 Q Can you please slowly circle them and identify them by  
4 name?

5 A Yes. This is D-Wade.

6 THE COURT: He is the one with a white towel on his  
7 head?

8 THE WITNESS: Washcloth.

9 THE COURT: A washcloth. Okay.

10 Q And who did you just circle there?

11 A Rizzo.

12 THE COURT: Rizzo has the gray cap, sir?

13 THE WITNESS: Yes, ma'am.

14 THE COURT: And white, light t-shirt?

15 THE WITNESS: Yes, ma'am.

16 Q And Rizzo is E.A.M. as well?

17 A Yes, ma'am.

18 Q Anyone else?

19 A As far as this picture, no, no one else.

20 Q Thank you.

21 Turning to Government Exhibit 1222E, is this a photo  
22 from the same meeting?

23 A Yes, ma'am.

24 Q What type of meeting is this? Is it called something?

25 A It's called a universal meeting.

Campbell - direct - Ngai

1097

1 Q That's what you were describing before where all the  
2 Milla sets come together?

3 A Yes, ma'am.

4 Q How often do universals occur?

5 A Not frequently, like twice a year, once a year, twice a  
6 year.

7 It's not -- it's not like a scheduled thing with us.  
8 It's like probably nine times out of ten if something goes  
9 wrong is when somebody decides to throw or basically say we  
10 have to have a meeting.

11 Q Turning to this Government Exhibit 1222E, are you in this  
12 photo?

13 A Yes, ma'am.

14 Q Can you please circle where you are?

15 A (Indicating).

16 (Continued on next page.)

17

18

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25



Campbell - Direct - Ngai

1098

1 DIRECT EXAMINATION

2 BY MS. NGAI: (Continued)

3 Q You're wearing the white shirt with the orange decal?

4 A Yeah.

5 Q I mean the yellow decal.

6 A Yes, ma'am.

7 Q Are you doing anything with your hands in this photo?

8 A Yes, ma'am.

9 Q What are you doing?

10 A Raising the gang sign, E.A.M., Mazzi.

11 Q Can you clear the circle that you just drew?

12 A Clear it?

13 Q Yes. So there's a button, you can delete it.

14 Do you see Chucky in this photo?

15 A Yes, ma'am.

16 Q Can you please circle that?

17 Is he featured to your right?

18 A Yes.

19 Q Are there other E.A.M. members in this photo?

20 A One that I could see, besides Chucky and me.

21 Q Who do you see?

22 A D-wade.

23 Q And where is he?

24 And he is one of the individuals to your left in the  
25 photo?

Campbell - Direct - Ngai

1099

1 A Yes, ma'am.

2 Q What happened at this meeting?

3 A Well, I was told by one of the individuals in the photo,  
4 I'm not really sure, it's two guys in the front, but I was  
5 told that it was a meeting being held somewhere in Bed-Stuy.  
6 At the time I was kind of hanging out with Chucky a little  
7 bit, just a little bit more than I usually would. And I  
8 wasn't really sure if he heard about it because I'm sure he  
9 would've told me. He didn't tell me. It was told to me, so I  
10 relayed the message to him.

11 And I told him: Bro, I think they -- I think they  
12 trying to throw a nine-eleven. A nine-eleven is another term  
13 for a meeting, a gang meeting.

14 I said: Yo bro, they're trying to throw a  
15 nine-eleven I think without your knowledge.

16 He was like: All right. Say no more. And I got  
17 the address. I'm not really sure, I'm not really sure if --  
18 I'm not really sure if I sent it directly to him or if I told  
19 him on the phone. I let him know and he -- we went.

20 And when we went to the meeting, he was already  
21 there. I was on my way there in an Uber. He was already  
22 there with D-wade and Buck, Joshua Cooper, which is Buck. And  
23 I walked in the midst of -- I wouldn't say a heated  
24 conversation, but it was just a conversation being held  
25 amongst the important individuals within each set in that

Campbell - Direct - Ngai

1100

1 room. So Buck/Joshua Cooper, had gave me a gun, and I put it  
2 in my pocket. He was like: Yo, bro, hold this just in case  
3 something goes wrong. I said: Okay, I got you. I put it in  
4 my pocket.

5 And I kind of had a heated conversation with one of  
6 the other -- one of the individuals that was inside the  
7 meeting that was a big homey for EBB, another Milla hood. As  
8 I said before, my brother had got killed years before, and I  
9 wanted to ask him about it. And when I did, we just had, you  
10 know, conversation, which led nowhere.

11 After that, Chuck, you know -- it was basically a  
12 decision supposed to be made on who is going to run the NYB,  
13 either as single or as a whole. Came to the agreement that  
14 everybody wants to run the NYB at the time, so it's going to  
15 be a whole thing, we choose three people that are going to  
16 share it. So we all voted within the room, is it going to be  
17 Chucky, Suicide or Bless. And everybody asked: Do you agree?  
18 Do you agree? And I said: I agree. You agree? And  
19 everybody agreed, and that's how it went.

20 Q So let me just break that down a little bit.

21 So there was a meeting, there was a discussion about  
22 who would lead NYB; is that right?

23 A Who would lead the NYB, yes, ma'am.

24 Q And did I hear correctly that the decision was for three  
25 people to share in the godfather position of NYB?

Campbell - Direct - Ngai

1101

1 A Yes, ma'am.

2 Q And who were those three people?

3 A Chucky, Suicide and Bless.

4 Q Suicide and Bless, are they E.A.M.?

5 A No.

6 Q They're from different sets?

7 A Yes.

8 Q And Chuck would be the one representing E.A.M.?

9 A Yes.

10 Q What, if anything, did Chuck say to you about that  
11 decision after the meeting?

12 A Oh. When we got back to the house at -- off of  
13 Highland Park, he was like -- he just stated that "it's mine."  
14 He wasn't listening to nothing that they had to say. He  
15 didn't care.

16 Q Chuck didn't care?

17 A Yeah. It was just "mine."

18 Q He didn't care about the -- he didn't care about --

19 A The decision that was made that day, no.

20 He's like: It's mine. I'm not jacking it.

21 That's exactly his words: I'm not jacking it.

22 Q What do you mean by "not jacking it"?

23 A "Jacking" is a word that says I'm not allowing that, I'm  
24 not accepting it.

25 Q So he's not accepting that decision?

Campbell - Direct - Ngai

1102

1 A Yes.

2 THE COURT: So he was not fine with the decision, he  
3 was upset with it?

4 THE WITNESS: Yes, ma'am. Well, I wouldn't say he  
5 was upset. He just didn't -- it was not a decision that he --  
6 it went over everybody's head except his. He wasn't upset,  
7 but he was just like, no, I'm not even going to put that in my  
8 head that that's going to happen.

9 THE COURT: That he would share it with two other  
10 people?

11 THE WITNESS: Yes.

12 Q Based on that, who did you understand was going to lead  
13 NYB?

14 A Chucky.

15 Q Now at this meeting, you also said Buck asked you to hold  
16 the gun?

17 A Yeah.

18 Q Is that the individual in Government Exhibit 13, which  
19 has been offered -- admitted into evidence?

20 A Yes, ma'am.

21 Q And why did he want you to hold the gun?

22 A He knew that there were tension in the room between a lot  
23 of us. So just in case something went down, he said: Hold  
24 the gun.

25 Q Do you know someone who goes by the name of Speechless?

Campbell - Direct - Ngai

1103

1 A I heard of her. I don't know her, but I heard of her.

2 Q E.A.M. or no?

3 A She's not E.A.M.

4 Q Do you know what -- is she gang? Is she part of a gang?

5 A From my understanding, she's MTG.

6 Q What does that stand for?

7 A Milla Town Gangsters.

8 Q What about Billion, have you ever heard of that name?

9 A That's Buck. He's just -- that's his Instagram name.

10 It's Buck Billion, but he -- yeah. It's another term, it's  
11 another name for Buck.

12 Q Now, the photos that we just were looking at, these were  
13 taken, correct?

14 Do you know who took those photos?

15 A That night was a blur, I don't know who took it.

16 Q Were you allowed to take photos?

17 A I specifically gave certain orders and other individuals  
18 gave certain orders not to post these photos.

19 Q Who gave those orders?

20 A Well, me, Bless, and I think anybody that -- most likely  
21 anybody that was -- that was their position, like it's not a  
22 good idea, do not post these photos on social media.

23 Q Why not?

24 A Example: This right here.

25 Q Were photos of this meeting posted online?

Campbell - Direct - Ngai

1104

1 A Yes, ma'am.

2 Q Do you know who posted it?

3 A Migz.

4 THE COURT: Migz, M-I-G-S?

5 THE WITNESS: M-I-G-Z.

6 THE COURT: M-I-G-Z.

7 And is M-I-G-Z in E.A.M.

8 THE COURT: No, Migz is not in E.A.M.

9 MS. NGAI: Let's turn, please, turn to Government  
10 Exhibit 1222-H, which has already been admitted into evidence.

11 Q Mr. Campbell, do you recognize this exhibit?

12 A Yes. I actually DM'd him about it.

13 Q Sorry?

14 A I actually addressed him.

15 Q What do you mean by "addressed him"?

16 A I wrote him about it at one point, like: Yo, what's  
17 going on? Why would you post that?

18 He didn't really answer me.

19 Q What kind of post is this?

20 A That's a Facebook post.

21 Q Did you see this Facebook post at the time that it went  
22 up?

23 A Yes.

24 Q Were you upset by this?

25 A I was a little frustrated.

Campbell - Direct - Ngai

1105

1 Q What, if anything, did you say to Migz?

2 A I addressed him in person too. I told him that, I said:  
3 Yo, listen, like, feds is watching us, you're doing too much.

4 Q Did you say anything to Chuck about this photo?

5 A I don't remember. I don't want to give you a yes, I did  
6 or no, I -- I do not remember.

7 Q Do you remember telling anyone about this photo?

8 A I remember telling somebody about the photo. I remember,  
9 yeah.

10 MS. NGAI: Ms. Wissel, we can pull down this  
11 exhibit.

12 Q Mr. Campbell, did there come a time when you went to  
13 Attica?

14 A Yes.

15 THE COURT: You said you want that board taken down?

16 MS. NGAI: No, just the exhibit pulled down.

17 THE COURT: Oh, Okay.

18 Q Did there come a time when you went to Attica?

19 A Yes, ma'am.

20 Q What is Attica?

21 A Attica is a state prison.

22 Q Where is it?

23 A In Attica, New York.

24 Q How far is that from here, Brooklyn?

25 A Not really sure, but I would say like seven hours.



Campbell - Direct - Ngai

1106

1 Q By car, by plane?

2 A I would say by car.

3 Q Did you ever go to Attica?

4 A Yeah, I went to visit.

5 Q When did you go?

6 A I would say the summer of '19.

7 Q Why did you go?

8 A Chucky had asked me to go to Attica for somebody named  
9 Ace.

10 Q Why did he ask you to go?

11 A Well, he wanted me to relay certain -- like a message to  
12 him. He gave me paperwork that had certain things in it about  
13 the gang and E.A.M., and he wanted me to relay a message to  
14 him. Like, basically, not a specific message, but basically  
15 read what I could. You know what I'm saying? And you can't  
16 bring paperwork into the jail. So read it and, as much as I  
17 could, read it back to him and, you know, he gets the  
18 breakdown.

19 Q So let me make sure I understand.

20 Did Chuck ask you to memorize certain paperwork?

21 A Yes.

22 Q And he asked or he -- did he ask you or did he tell you?

23 A Yeah, he asked me.

24 Q So he asked you to go to Attica and to memorize certain  
25 paperwork?

Campbell - Direct - Ngai

1107

1 A Yeah. I kind of took it like it was -- because it's,  
2 like, when he texted, it was just more, like, a real late  
3 night. So I was like: Yo, I kind of forgot. I threw it in  
4 my room, I'd forgotten it. He kind of like responded and  
5 said: Go to bed, homey. That's what he said. But I wasn't  
6 trying to be on his bad side, so...

7 Q So you -- so you went because you knew you had to do it?

8 A Well, because I figured I had to do it.

9 Q You figured you had to do it.

10 And who were you supposed to transmit this  
11 information to?

12 A Adam. A dude named Adam. His name is Ace. I don't -- I  
13 don't really know him.

14 Q It's a dude named Adam who goes by Ace?

15 A It's a dude named Adam who goes by the name of Ace.

16 Q And what were you supposed to do with that information  
17 once you -- once you got up there and saw Ace?

18 A I was supposed to, you know, sit down with him. It was  
19 very awkward because I didn't know him. So I was supposed to  
20 sit down with him and -- and present what -- you know, what I  
21 was supposed to memorize during the whole trip, which I  
22 really, like, forgot most of it. You know what I'm saying?

23 Q Did you go alone?

24 A No.

25 Q Who did you go with?

Campbell - Direct - Ngai

1108

1 A I went with Devon. I went with D.

2 Q Who's D?

3 A Devon Bristol.

4 Q Okay. Who else did you go with?

5 A I went with me, D, a dude named Al, and I don't know the  
6 other dude.

7 Q And did you drive?

8 A I didn't drive.

9 Q But did you go by car?

10 A Yes, we went by car.

11 Q What was -- what was -- withdrawn.

12 How did you know -- how did you know -- when you got  
13 to Attica, how did you know to find Ace?

14 A Chucky had sent me -- Chucky had sent me, like, a  
15 screenshot of his detainee/inmate information.

16 Q And what was Ace's reaction when you got there?

17 A When I got there, he -- at first he's looking around.

18 The other two individuals that I was with -- or three  
19 individuals that I was with. Three individuals I was with  
20 went to see another individual named Smilez -- I mean Smilez's  
21 brother named Drama. And I went to see Adam.

22 So when Drama went to go see the other individuals I  
23 was with, I was with Adam. And I don't know what he looks  
24 like. He comes, he looks, sits down. And, like, you know,  
25 addresses me, like: What's good? Like, I mean, I'm not even

Campbell - Direct - Ngai

1109

1 responding. I let him know who I was. You know, I said what  
2 I say: Indicating ((phonetic)). He responded: 50 cents.

3 Q And let me just pause you there.

4 Yesterday you testified that that was kind of a call  
5 and response; is that right?

6 A Yeah, like a greeting.

7 Q And that's a greeting that's used by who?

8 A Just E.A.M.

9 Q That's how you know that you're part of the same gang?

10 A Yeah.

11 Q So when you got there, you and Ace did this call and  
12 response?

13 A Yes.

14 And, you know, he's like -- you know, I got him some  
15 chips and stuff and we started talking. You know, we was  
16 talking, and I let him know as much as I could. I couldn't  
17 even -- I was so tired, I barely was able to even -- that  
18 conversation about paperwork lasted about five minutes. And  
19 then rest of the hour we were just talking and, you know, he  
20 told me that he had -- you know what I'm saying -- the  
21 situation for the jail.

22 Q What did you understand that to mean?

23 A He was a big homey from behind the jails for E.A.M.

24 Q Okay. And then what else did you talk about?

25 A This -- Chucky and his life and, you know, his -- he's

Campbell - Direct - Ngai

1110

1 like, you know, he -- he's like, you know, he's going: Hey,  
2 how's Chucky? Things like that.

3 Q After this meeting with Ace, did you talk to Chuck?

4 A Yes, I spoke to Chuck.

5 Q What did you say?

6 A I was like: Yo, Adam sends love. I did what I told you.

7 He was like -- I said: Adam sends love, and I did  
8 what you said.

9 He's like: Yeah, that's the bro.

10 I asked him who he was. He's like: He's a good  
11 dude. And he explained to me who he was and what position he  
12 have for the jail -- what position he have for the jails.

13 Q So Chuck confirmed that Ace had the top spot in jail?

14 A Like, yeah, from behind the jails, yeah.

15 Q Sorry. Can you repeat?

16 A Like yes, from behind the jails.

17 Q Mr. Campbell, why did you go to Attica to see someone  
18 that you didn't know?

19 A I did a lot of things for these -- for Chuck and Bowser,  
20 just out of straight -- like, just trying to get noticed.

21 Q Why?

22 A I just wanted to be a part of they circle. Like, they  
23 circle, like Ty and them.

24 Q And why Chuck and Bowser specifically?

25 A Because it was like -- it was like the out -- like, they

Campbell - Direct - Ngai

1111

1 didn't really move like a lot of people that I would be around  
2 normally. They wasn't young-minded. Like, they were older  
3 and, you know, more mature and understood our business when it  
4 came to street shit. Excuse my language. When it came to  
5 street stuff and stuff like that. And I just wanted to be a  
6 part of that crowd.

7 Q You wanted Chuck to recognize you?

8 A Yeah.

9 Q Did you think hanging out with Chuck or getting closer to  
10 him would improve your status in E.A.M.?

11 A I didn't think it would improve my status; I just think  
12 it would give me more, like, just around they circle, like,  
13 like, you know, get me meshed with Ty and -- and just that  
14 group of people, Ty, Smilez, and just that group.

15 Q "Ty," who's Ty?

16 A Ty is my other co-de.

17 Q Do you know Ty's real name?

18 A Tyshawn Corbett.

19 Q Was he part of E.A.M.?

20 A It was told to me that he was, but I didn't really -- he  
21 don't come -- he don't chill with -- he don't -- he doesn't  
22 really associate with the younger crowd of E.A.M.

23 Q So there's kind of an older crowd and a younger crowd?

24 A Yeah.

25 Like, he was a part of just the -- got a lot of

Campbell - Direct - Ngai

1112

1 money, flashy, nice cars, you know what I'm saying, did things  
2 that I like to do. But just around -- like, has videos and,  
3 you know, just videos, just Chucky and everybody in it.

4 Q Okay, Mr. Campbell. Let's talk about the crimes that you  
5 committed while you were part of E.A.M.

6 Do you remember testifying yesterday that you did,  
7 in fact, commit crimes while you were a part of the gang?

8 A Yes, ma'am.

9 Q And what kind of crimes did you commit?

10 A Robbery, sold pills, sold weed, stuff like that.

11 Q Did you ever assault anyone while you were part of  
12 E.A.M.?

13 A Yes, ma'am.

14 Q What was the most memorable assault that you recall as  
15 you sit here today?

16 A What was my -- Joker, a dude named Joker had sent me and  
17 a couple of the other AKs, other gang members. He had a  
18 situation with somebody in a shelter.

19 And he told me, like: Yo, listen, get the AKs  
20 together, I got a situation I need you to handle.

21 I'm like: All right. What's up?

22 He told me he had a situation with some dude in a  
23 shelter.

24 And I'm like: All right, cool.

25 I gathered my homies up, people around my age, you

Campbell - Direct - Ngai

1113

1 know, Shack, Biggie. It was Shack, Biggie, me and Corrupt. I  
2 don't even know who else.

3 Q These are all E.A.M. members?

4 A Yes, ma'am.

5 And we just -- when we got to the Bronx, we took the  
6 train, we were drinking and stuff, like -- well, I'm not  
7 really a big drinker, but they were drinking and stuff on our  
8 way over there. Everything was, you know, kind of  
9 peachy-creamy, drinking on the train.

10 When we got off the train, we walked up to -- I  
11 think it was Tremont, I'm not really familiar with the Bronx.  
12 It was either Grand Concourse or Tremont Avenue, you know what  
13 I'm saying? We got to the shelter. And when we got to the  
14 shelter, we were talking to Joker for a few. And as we were  
15 in the front of the shelter, Joker turned around and seen the  
16 individual he had an issue with.

17 So then he said: Yo, Phaze. He said: Yo, the  
18 nigga right there.

19 I'm like: All right.

20 I told Biggie to move on him. So Biggie had -- when  
21 I say, "move on him," I mean, I told him to go basically  
22 attack him.

23 So when he goes, he opens the door for the dude.  
24 When he opens the door for the dude, he punches him. And when  
25 he punches him, I come and I grab him and I slam him on the



Campbell - Direct - Ngai

1114

1 floor. When I slammed him on the floor, other individuals I  
2 was with started kicking him in his face. He got up and tried  
3 to run. When he got up and tried to run, I chased him, I hit  
4 him. He fell. And we just started stepping on him and  
5 stomping on him and kicked a couple of his teeth out, stuff  
6 like that. Popped his beads.

7 Q What do you mean by "popped his beads"?

8 A He was an alleged Crip gang member.

9 Q And Crip members have beads on them, like actual beads?

10 A They're beads, yeah.

11 Q Did you know this individual?

12 A I didn't know him from a hole in the wall.

13 Q And you went because Joker had asked you to?

14 A Yes.

15 Q Is Joker E.A.M.?

16 A Joker was E.A.M., yes.

17 Q What did you and the E.A.M. members that you were with,  
18 what did you do after you were done at the shelter?

19 A Well, on our way back -- I'm sorry, hold on. I need some  
20 water.

21 On our way back, everybody's drunk. So everybody  
22 being drunk.

23 Oh, by the way, we took his car keys. At first we  
24 looking for his car. Doot-doot-doot-doot, looking for his  
25 car, nowhere to be found. Threw it away. We go up to the

Campbell - Direct - Ngai

1115

1 train station.

2 Migos ((phonetic)), that was one of the individuals  
3 that was with me, likes to drink a lot. We were on the train,  
4 and we see these kids. And this kid has -- kid coming from  
5 school, probably like 15, 16 years old, innocent young boy  
6 with a group of other kids, had his headphones on. And one of  
7 my -- one of my drops went up to him, Corrupt, and told him  
8 that: Yo, let me get your phone.

9 I could've stopped it, but I didn't.

10 He told him, like: Yo, let me get your phone.

11 And I'm like: Yo, leave that shit alone.

12 They were drunk and not listening to me.

13 So they started beating on him, robbed him on the  
14 train.

15 We all left. We ran off the train. When we ran off  
16 the train, we came down the stairs. When we got off the  
17 train, we seen another individual walking, innocent bystander,  
18 had a bag with sneakers.

19 And as we were walking, you know, Migos is like:  
20 Yo, that was some nice sneakers.

21 I'm like: All right. But y'all doing too much now.  
22 Now y'all dragging it. Chill out.

23 Understand what I'm saying?

24 So, again, could've stopped it, but kind of wanted  
25 to be entertained, if I'm being honest.

Campbell - Direct - Ngai

1116

1                   And they robbed him. They beat him up and they  
2 robbed him.

3 Q     That happened the same day that you went to the shelter?

4 A     Yeah.

5 Q     Mr. Campbell, what was your reputation in E.A.M.?

6 A     To the younger crowd I was like a top dog, to the younger  
7 crowd.

8 Q     What about to the older crowd?

9 A     I was a little bro, that was it.

10 Q    Were you known for fighting?

11 A    That's exactly what I was known for, just fighting.

12 Q    And how did you establish that reputation?

13 A    Um, you know, I've been given physicals before. A  
14 physical is when somebody has to get, you know, disciplinary  
15 you know, actions towards them for a violation, whatever the  
16 case is, you know, you disrespect or something. I've been  
17 given physicals. I've handed out physicals. You know what  
18 I'm saying? I've given physicals. You know what I'm saying?  
19 I've taken physicals. So you know what I'm saying? I was --  
20 fighting is just, I grew up on it.

21 Q    Have you heard of the term "putting in the work"?

22 A    Yeah. Putting in the work, yeah.

23 Q    What does that mean?

24 A    Putting in the work is -- is just putting in the work.

25 Like, just doing things to be noticed by the gang. You know,

Campbell - Direct - Ngai

1117

1 hurting someone if necessary or, you know, trying to get your  
2 name up, being tough, standing your ground when you need to,  
3 handling your beef with somebody if necessary.

4 Q Were members of E.A.M., including you, expected to put in  
5 the work?

6 A In a way, yeah.

7 Q Well, what happened if you didn't put in the work?

8 A I mean, a lot of things. You could get kicked off the  
9 set. You know, you could be wiped down, which is basically  
10 you're not -- you won't be Blood anymore. You know what I'm  
11 saying? You could get beat up. I'm not going to say like  
12 it's the old days, like, gangland where you're saying Blood  
13 in, Blood out, but you most likely would be under disciplinary  
14 action, whether it be not physical or physical.

15 It could be -- you could be on something -- what  
16 they call the pound, which is something that is like  
17 probation. If you get in trouble at a job, they suspend you  
18 and put you on probation. You know I'm saying? So it would  
19 be like that.

20 Then you have physicals, which is your discipline.  
21 You know what I'm saying? You might have two or three people  
22 on your ass, I mean, beating you up.

23 Q Was this a common thing, physicals, in E.A.M.?

24 A Um, yeah. Yeah.

25 Q Why would someone in E.A.M. get a physical?

Campbell - Direct - Ngai

1118

1 A It could be for a numerous amount of things.

2 For example, I was a part of a physical that was  
3 handed down to a dude named Black by Smilez. It was a female.  
4 It was a female that identified herself as an AK, they dated.  
5 He used to beat her up, I guess. I looked at her like a  
6 sister.

7 So when I heard that he was putting his hands on  
8 her, I said: Yo, bro. He said, Smilez told me, like: We got  
9 to get a physical. I said: Smilez, let me be a part of that.  
10 And he said: Go ahead.

11 It was me, Joker -- it was me, Joker, Smooch -- me  
12 Joker, Smooch and Biggie that handed down the physical, four  
13 individuals on one person. And it was in the stairs, in the  
14 project's staircase.

15 Q What happened to that individual?

16 A He got beat up. You know what I'm saying? I'm not going  
17 to say, you know, he was -- we roughed him up, something crazy  
18 because he fought back, so.

19 But he knew not to -- hopefully he knew not to put  
20 his hands on Cookie anymore.

21 Q Are there rules to a physical?

22 A Yes.

23 Q What are those rules?

24 A Never hit your brother while he's on the floor.

25 Q What would happen if you -- if you did that?

Campbell - Direct - Ngai

1119

1 A You would get a physical or you would probably be on the  
2 pound.

3 Q The pound is worse than the physical?

4 A Nah. I would rather much be on the pound.

5 Q Than get a physical?

6 A Mm-hm.

7 Q Are you familiar with the term "violation"?

8 A Yeah.

9 Q What's a violation?

10 A A violation is just -- just a violation. It's exactly  
11 self-explanatory. You're going to get a -- you're going to  
12 get violated. You're going to get hands put on you. And  
13 that's not really any rules for that. I would say that  
14 there's no rules for that because I've seen people get  
15 violations, get stomped on, punched on while they're on the  
16 floor, you know what I'm saying, different from a regular  
17 physical.

18 Q It's more -- more violent?

19 A Kind of more violent, a little more violent.

20 Q Do you know anyone in E.A.M. who received a violation?

21 A Yeah, my drop, Corrupt.

22 Q What happened to him?

23 A He was in Far Rock. He was in Far Rockaway, part of  
24 Queens. And he was drinking. He was told to hand out a  
25 physical to somebody that didn't necessarily know their oath.

Campbell - Direct - Ngai

1120

1 But he was supposed to be Blood for a very long time, the  
2 dude.

3 In the midst of that, a dude name Mecca ((phonetic))  
4 came up to me and said bro -- this is before Corrupt was  
5 officially Blood, but this was going to be his own brand.  
6 Instead of him getting a physical, he would give somebody else  
7 a physical.

8 He proceeds to, you know, give the dude the physical  
9 with another individual. And in the midst, he's drunk, he  
10 blacks out and just keeps beating on him. He wasn't supposed  
11 to do that.

12 I warned him one time. I said: Bro, listen, don't  
13 do that.

14 That was when he looked me in my face and said:  
15 Listen, bro, tell him not to do that, that's a no-no.

16 So I'm, like, All right.

17 Again, he does it again. And when he does it again,  
18 the whole yard, the whole backyard, stomps him out, like.  
19 Literally, like, the whole backyard punches him out. He gets  
20 knocked out, gets up, knocks out again. And his eye was like  
21 a mushroom. You know what I'm saying? He had blood. He was  
22 crying blood. So yeah.

23 Q Are you familiar with "getting dubbed," that term?

24 A Yes.

25 Q What does that mean?

Campbell - Direct - Ngai

1121

1 A Getting dubbed is just getting -- you're no longer Blood.  
2 You can get dubbed over social media, you can get dubbed in  
3 person. If you get dubbed in person, somebody's probably  
4 going to put their hands on you. If you get dubbed on social  
5 media, like you were dubbed, that means that listen, you not  
6 Blood no more. Sometimes -- if someone dubbed you it's for a  
7 reason, won't necessarily have to be a physical. You know  
8 what I'm saying? Most of the time, if somebody got dubbed,  
9 it's probably because they did something stupid.

10 Q Remember how we -- withdrawn.

11 "Smooch." You mentioned Smooch. Who is Smooch?

12 A Smooch is a dude from the East. He's a dude from the  
13 East. That was E.A.M., sells a little weed on Shepherd.

14 Q He is E.A.M.?

15 A Yeah.

16 THE COURT: Is this a good time to take a break? Or  
17 are you close to being finished?

18 MS. NGAI: No, we can take a break.

19 THE COURT: I am going to give the jurors a  
20 mid-morning break.

21 Please do not talk about the case. Leave your  
22 notebooks face down on your chair. Thank you for your  
23 attention. We will come and retrieve you.

24 (Jury exits.)

25 THE COURT: All right. If you had like to step off



Campbell - Direct - Ngai

1122

1 and take a break, you may as well.

2 (Witness steps down.)

3 THE COURT: Let's take ten minutes, please.

4 MR. SIEGEL: Thank you, Your Honor.

5 THE COURT: If Mr. Smothers wants to take a break,  
6 he can as well.

7 All right. Thank you.

8 (Recess taken.)

9 THE COURT: All right. Let's see if they are ready  
10 to come in.

11 Hi. Can you bring them out?

12 Thank you.

13 Sir, when I ask you to come out, please come out so  
14 we can get started.

15 MR. GAUDAGNINO: I'm sorry, Your Honor. I'm doing  
16 the best I can.

17 Before the jury comes out, I have to put something  
18 on the record.

19 THE COURT: All right.

20 MR. GALEOTTI: What is it?

21 (Pause in proceedings.)

22 THE COURT: All right. Mr. Smothers is back.

23 Mr. Guadagnino, did you want to be heard?

24 MR. GAUDAGNINO: Yes, Your Honor.

25 We would object to these photographs that so far the

Campbell - Direct - Ngai

1123

1 government has put into evidence. I think we have Government  
2 Exhibit 20 -- 1228-H.

3 MR. SIEGEL: 1222.

4 MR. GAUDAGNINO: I'm sorry. Yes. Government  
5 Exhibit 1222-H, 1222 -- I think it's 1222-A through -- let's  
6 just say 1222-A through 1222-H.

7 Apparently these photographs -- and I know that the  
8 jury hasn't heard this -- came from a cell phone, a Samsung  
9 cell phone that was in the custody of Mr. Smothers. And we  
10 object because there hasn't been any chain of custody that was  
11 established with respect to the photographs pertaining to  
12 Mr. Smothers or that they came from Mr. Smothers.

13 MR. GALEOTTI: May I respond, Your Honor?

14 THE COURT: Are you finished?

15 MR. GAUDAGNINO: There was no proper foundation  
16 established to establish that the photographs are admissible.

17 THE COURT: All right. So let's hear from the  
18 government.

19 MS. NGAI: Your Honor, I think there are two issues  
20 to that.

21 The first, there really is no chain of custody  
22 argument. As the witness testified, he was present for those  
23 photos, he knew when the photos were taken. He circled each  
24 time he appeared in the photos. So he has authenticated the  
25 fact that these are fair and accurate photos of the meeting

Campbell - Direct - Ngai

1124

1 that occurred in July of 2019.

2 And secondly, we have put on a witness,  
3 Detective Russ, who testified that he vouchered a phone  
4 belonging to Quandel Smothers at the time of arrest at  
5 4 Van Siclen Court. The IMEI number was read out in court.  
6 We expect to put on a witness who will show that the -- that a  
7 Cellebrite extraction of that phone is -- comes from that  
8 phone, but that's a separate issue. The issue here is whether  
9 or not these exhibits can come in as photos that Mr. Campbell  
10 recognizes.

11 THE COURT: Yes, he -- first of all, I am going to  
12 give you some leeway about the objection that comes after they  
13 have been admitted.

14 But let's talk about the witness and his actual  
15 knowledge of the event and presence at the event in which he  
16 identifies certain individuals at the event.

17 And I do not think the issue regarding foundation is  
18 well-founded at this point. The exhibits are in evidence, and  
19 an appropriate basis was made to admit them.

20 So respectfully, the objection is overruled.  
21 All right?

22 MR. GAUDAGNINO: Just noting my exception for the  
23 record. Thank you.

24 THE COURT: That is fine. Not necessarily in  
25 federal court, but noted you have objected.

Campbell - Direct - Ngai

1125

1 MR. GAUDAGNINO: Thank you.

2 THE COURT: Go ahead, Mr. Siegel.

3 MR. SIEGEL: Your Honor, given your ruling, it  
4 doesn't affect these photos, but we can deal with it now, we  
5 can deal with it later. At some point we are going to be  
6 admitting other things from that Samsung phone that was  
7 vouchered by Detective Russ. And if there are going to be  
8 continued objection to the chain of custody, like I said, we  
9 can deal with it when we move to admit those exhibits or we  
10 can just resolve it now.

11 But as Ms. Ngai said, that chain of custody had been  
12 laid, that that was seized at the time of the arrest of  
13 Mr. Smothers, the IMEI is in the record, and also already  
14 admitted into evidence pursuant to a certification is the  
15 Cellebrite extraction of a phone with that IMEI.

16 So we totally defer to Your Honor if you want to  
17 rule on that now or rule on it later, but I expect that this  
18 issue will continue to come up when --

19 THE COURT: Well, I am just not sure what objection  
20 could be raised by Mr. Guadagnino on his client's behalf  
21 regarding the cell phone. I mean, honestly, the jury did not  
22 hear that these photos came from Mr. Smothers' cell phone. In  
23 fact, they were on a Facebook page belonging to somebody else,  
24 as I recall. So that is a separate issue.

25 But in any event, I do not know what evidentiary

Campbell - Direct - Ngai

1126

1 basis you would have to object to the information that has  
2 been extracted and certified from the cell phone of  
3 Mr. Smothers.

4 MR. GAUDAGNINO: His objection has to do with  
5 authentication, that the phone wasn't properly authenticated  
6 that IT came from him, that it was recovered from him, and  
7 that that was his telephone. That's his objection.

8 THE COURT: So you are saying that the --  
9 Mr. Smothers, please cover your mouth and nose.

10 You are saying that the officers who testified about  
11 the phone did not testify about seizing a particular phone  
12 with a particular IMEI number from Mr. Smothers?

13 MS. NGAI: Your Honor, the detective did, in fact,  
14 testify to that. He testified that he arrived at a location,  
15 at 4 Van Siclen Court, that there was -- that there were  
16 individuals arrested, Quandel Smothers was one of them, and  
17 that he vouchered a phone in connection with that arrest.

18 THE COURT: With Mr. Smothers' arrest?

19 MS. NGAI: Exactly.

20 And an IMEI number was read on the record. And we  
21 expect tomorrow to -- I mean, not tomorrow; on Monday,  
22 perhaps, to put on a witness who will testify as to additional  
23 communications found on that phone, which -- the contents of  
24 which we will also argue establish that it belonged to the  
25 defendant.

Campbell - Direct - Ngai

1127

1           So I don't believe that there is an appropriate  
2 chain of custody argument here. And I think we have laid the  
3 foundation, we have authenticated it, and we believe that it's  
4 admissible.

5           THE COURT: All right. You know, I am going to rule  
6 that the cell phone and its contents and the extractions of  
7 the phone purportedly seized from Mr. Smothers at the time of  
8 his arrest are appropriately in evidence. And I do not see  
9 any basis for objecting. They have made their appropriate  
10 foundational testimony and evidence regarding chain of custody  
11 and the phone, where it was.

12           But I just wanted to make a point that I do not  
13 think the jury -- or certainly I was not aware that those  
14 photos from today were from Mr. Smothers' phone. Because the  
15 important point is, the photos were testified about from  
16 someone with knowledge who was present when the photos were  
17 taken at the event. And he was able to identify not only  
18 himself, but other individuals who were at the event.

19           So in terms of 1222-A through H, there really is not  
20 a basis to object, so it is overruled.

21           MS. NGAI: Thank you, Your Honor.

22           THE COURT: With that, I had like to bring the jury  
23 back.

24           (Continued on the next page.)

25

## Proceedings

1128

1 (Continuing.)

2 MR. GUADAGNINO: Actually, Your Honor, I'm sorry, I  
3 just wanted to add something that Mr. Smothers wants me to  
4 add, is that he believes that it wasn't established that the  
5 phone actually came from him and went to that officer, but it  
6 rather went to another -- a first officer, and then that  
7 officer handed it off to another officer. So that it wasn't  
8 established properly, that that phone came from him.

9 MS. NGAI: Your Honor, frankly, I think it's --  
10 that's a weight of the evidence argument in that the defendant  
11 is free to put before the jury, but it does not affect the  
12 admission of the evidence. And, again, I think we're talking  
13 about two separate things here.

14 THE COURT: Yes.

15 MS. NGAI: The photos were authenticated by a  
16 witness on the stand who was personally there and had personal  
17 knowledge.

18 THE COURT: I think since you raised the other issue  
19 about other material from the phone, I believe  
20 Mr. Guadagnino's argument, on behalf of his client, is the  
21 issue of the chain of custody of the phone. But, yes, the  
22 jury has heard that the officer received the phone from  
23 another officer. If I recall, they talked in detail about  
24 multiple phones, vouchering, assigning an invoice number and  
25 sealing them in their evidence.

Campbell - direct - Ngai

1129

1           So if you have issues or some basis to object to the  
2 chain of custody other than what you've described, you're  
3 welcome to do it, but right now, I don't think that, on either  
4 ground, the objection can be sustained as a matter of law,  
5 okay?

6           Are we ready to bring the jury back?

7           THE COURTROOM DEPUTY: Yes.

8           THE COURT: Do you want to bring your witness back  
9 on the stand?

10          MS. NGAI: Yes, Your Honor.

11          (Jury enters the courtroom.)

12          THE COURT: All jurors are present. Please have a  
13 seat.

14          Mr. Campbell may resume the stand.

15          (The witness resumes the stand.)

16          THE COURT: Do you have a mask, sir? I'll give you  
17 one for later, okay?

18          You may resume.

19          MS. NGAI: Thank you, Your Honor.

20 DIRECT EXAMINATION

21 BY MS. NGAI:

22 Q       Mr. Campbell, before we broke, you mentioned that you  
23 held the status of Triple O in E.A.M.; is that right?

24 A       Yes, ma'am.

25 Q       And I asked you if you could put someone on the lineup,



Campbell - direct - Ngai

1130

1 in the Worldwide Lineup, when you were in that position, you  
2 said no; is that right?

3 A That's correct.

4 Q And you also mentioned you couldn't do it -- or you were  
5 the face -- even though you were in the Triple 0 position, you  
6 were the face of that position?

7 A Yeah, it was just, like, an image thing.

8 Q Who was the person behind that face?

9 A Bowser.

10 Q Bowser --

11 A Around that time when I got Triple 0, Chuck had came home  
12 from jail, so he was, like -- kind of like -- he was kind of  
13 like not trying to put himself out there.

14 I didn't really -- I didn't frequently, frequently  
15 speak to Chuck -- speak to Chuck -- like, I wasn't around  
16 Chuck like I usually was before -- I'd visit him in Queens  
17 Borough Correctional Facility after he came home, like, there  
18 was the pandemic and stuff, opening the pandemic, and I didn't  
19 really -- so Bowser was kind of -- when I was -- instead of  
20 going to Chuck for that advice, I would go to Bowser. Chuck  
21 changed his numbers and stuff like that. I didn't really have  
22 a set number for him.

23 Q Was Chuck still -- did Chuck still have status?

24 A Yeah, he was still who -- he was still who he was but he  
25 just wasn't out there like he usually -- it wasn't easy to get

Campbell - direct - Ngai

1131

1 in contact with him.

2 Q But you still believed he was the one in charge of the  
3 gang?

4 A Yeah. Buckwild named him the Don.

5 Q The Don?

6 A Yeah.

7 Q Like Godfather, the Don?

8 A Yeah, like, he -- yeah.

9 Q Did his position as the Don, the Godfather, did that ever  
10 change in the time that you knew him, other than the fact that  
11 he eventually became Godfather of NYB?

12 A No. As -- as far as me knowing him and then me learning  
13 that, you know, that was the position that, not only was he  
14 going for but then achieved, because it was after awhile --  
15 nobody contested to it besides people that were really --  
16 besides people that were biased to the -- that were kind of  
17 not agreeing with what most of us, like, that were -- it was  
18 like -- there was, like, a thing going on with NYB and a whole  
19 bunch of other made up, like double-NYB and there was one  
20 individual on one side saying he had it and then Chuck was  
21 saying he got it and it was just -- but anybody that was like  
22 me, anybody that was with Chuck, understood that that was the  
23 position that he held.

24 Q We talked about physicals just now, right? Physicals?

25 A Yes.

Campbell - direct - Ngai

1132

1 Q Could someone give a physical to Chuck?

2 A No.

3 Q Why not?

4 A I mean -- I mean, it would be more -- that's like --  
5 nobody gonna give Chuck a -- you can't give Chuck a physical,  
6 right. It's not going to be, like, yo, we gave him a  
7 physical. If Chuck got in a fight with somebody, it was  
8 probably some brotherly love shit, argument and you probably  
9 fought, but as far as giving Chuck a physical, that don't even  
10 sound right, no.

11 Q Why doesn't it sound right?

12 A It's just not happening, it's not -- it's not happening.  
13 I could see Smilez getting a physical or Bowser getting a  
14 physical -- not even Bowser, let me take that back, not even  
15 Bowser, but I could see Smilez getting a physical before him  
16 and Bowser getting a physical or something like that. I see  
17 Buckwild getting a physical before that.

18 Q And these are all people who have status?

19 A Yeah.

20 Q They are pretty high up?

21 A Yes.

22 Q But Chuck, you can't give Chuck a physical?

23 A I ain't say you can't do it. I'm sure that if he -- is  
24 looked at somebody, like, influence him, I don't know how he  
25 would take it. But no, in my eyes, no.

Campbell - direct - Ngai

1133

1 Q What about violation?

2 A Gave him a violation? No. It's not -- it's not going to  
3 happen. It won't happen because it's some -- there was --  
4 it's just not going to happen. It's just not realistic.

5 Q Could you put him on the pound?

6 A Can I put him on the pound?

7 Q Yeah.

8 A No.

9 Q Could anyone put him on the pound?

10 A Not that I -- I mean -- no. I -- let me say something,  
11 right. When I speak to Bowser or somebody and I would be  
12 like, yo, but Chuck said this, why you always telling me Chuck  
13 said this, nigga, it don't even matter, Chuck -- and him like  
14 woah, so I could see the ego trip, like -- I had an  
15 understanding. Chuck had the situation. He'd get mad telling  
16 me he got it, I don't see it, I don't see it -- you're not --  
17 you're not as -- you're not as respected as Chuck is, so it's  
18 like, yo, but --

19 Q Why is Chuck as respected as he is? Why did he have  
20 that -- why is he seen as the Don?

21 A I mean, just being a stand up dude from what I learned  
22 about him. Even being in the street, like, stand up dude,  
23 like all around the board, good father, stand up dude, and  
24 he's a business -- like, he'd stand up business when it come  
25 to some street shit, like, he stand on business. He's not

Campbell - direct - Ngai

1134

1 playing around. He's not playing around when it come to,  
2 like, disrespect, that's not gonna happen, it's not realistic.

3 Q I just want to clear up, "stand up business," what are  
4 you talking about?

5 A Standing on business.

6 Q Standing on business. What does that mean?

7 A Basically if somebody goes down and there's disrespect, I  
8 ain't say gonna stand on business, I ain't say not gonna let  
9 nobody disrespect I ain't say, I ain't say know what I'm  
10 saying? You're gonna -- you're gonna respond as you should,  
11 you get what I'm saying? It's --

12 Q I actually don't, Mr. Campbell, and if you could just  
13 bear with me. What do you mean? How would, when you're  
14 standing on business, how do you respond?

15 A If I get into a situation with somebody in the street,  
16 somebody disrespects me over social media or somebody  
17 disrespects me verbally or personally and I walk away from it,  
18 that's me avoiding the problem, right? That's -- that's, you  
19 know, it's being a good, honest person. But when you stand  
20 your ground and you don't -- you have zero tolerance, that's  
21 another thing that Millas go by, zero tolerance. So you don't  
22 have any tolerance for disrespect and you're gonna handle it  
23 as it should. You get what I am saying? Like --

24 Q With violence? With --

25 A With -- yeah, of course. Like, if -- even what I'm doing

Campbell - direct - Ngai

1135

1 right now, it's like, come on, like -- it's not -- you asked  
2 me previously, what would happen, everybody knows the answer  
3 to that, it's not cool to be doing what I'm doing. So it's,  
4 like, you're gonna -- I'm gonna -- you know, I would be taking  
5 care of or, you know, handled accordingly. Which is -- that's  
6 a form of standing on business because you're not, you know,  
7 considered ducking, right, or you not avoiding a direct  
8 disrespect or anything that has to do with you getting  
9 de-characterized as a man. So whether it be violent, you get  
10 what I'm saying, or just responding in a -- you get what I'm  
11 saying, in a vulgar manner.

12 Q I'm going to show you a document.

13 MS. NGAI: Can we pull up Government Exhibit 1204-A,  
14 and just for the witness because it hasn't been admitted yet.

15 Q Mr. Campbell, do you recognize this document?

16 MS. NGAI: And, Ms. Wissel, can you please scroll  
17 down so that he can see.

18 A You just --

19 Q I could hand you a paper copy if it's easier.

20 A I'm just reading the text.

21 THE COURT: Can you state what message you want the  
22 witness to focus on, please.

23 MS. NGAI: Yes.

24 Q Mr. Campbell, taking a look at row 13.

25 A Yeah.

Campbell - direct - Ngai

1136

1 Q Do you recognize this?

2 A You said row 13?

3 Q Row 13.

4 A Yes.

5 Q What is it?

6 A That's a text message with -- between me and Chuck.

7 Q What is your phone number? Do you know?

8 A Yeah. At the time, 929-421-9537.

9 Q Sorry, 929-421?

10 A 9537.

11 Q Is this your number here?

12 A Yes.

13 MS. NGAI: Your Honor, just putting this on,  
14 Government Exhibit 803.

15 THE COURT: All right. This is Mr. Campbell's cell  
16 number at the time?

17 MS. NGAI: Yes, that's correct.

18 THE COURT: And the time is July 14, 2019?

19 MS. NGAI: Yes.

20 Q So you said this is a text between and you Chuck, Chucky?

21 A Yes.

22 Q Can you actually take your time and go through the  
23 document. Do you recognize the other communications on this  
24 document?

25 A Other communications, um --

Campbell - direct - Ngai

1137

1           What text message are you regarding to?

2   Q     Just -- not focusing view on any particular one, do you  
3   recognize the communications in Government Exhibit 1204-A?

4   A     Yes.

5   Q     Okay. What are they?

6   A     Those are text messages.

7   Q     Between who?

8   A     Between me and Chuck.

9   Q     All of them?

10   A    Yes.

11   Q    Okay. And it's because you were a party to these  
12   communications, is that how you know?

13   A    I'm sorry, what did you say?

14   Q    You were the other person on the other side --

15   A    Yeah, I was the person --

16   Q    -- that's how you know?

17   A    Yes.

18           MS. NGAI: Your Honor, at this time, the government  
19   offers Government Exhibit 1204-A into evidence.

20           MR. GUADAGNINO: No objection.

21           THE COURT: We have received

22   Government Exhibit 1204-A.

23   Q    Starting with row 13, Mr. Campbell, do you see that in  
24   front of you?

25   A    Row 13, yes.



Campbell - direct - Ngai

1138

1 Q Did Chuck send that to you?

2 A You still gonna take -- yeah.

3 Q And what does he say?

4 A He was asking me if I'm still gonna take the ride with D  
5 and all right.

6 Q Which ride was that?

7 A That was the ride to Attica?

8 Q The one that you just talked to us before break?

9 A Yes.

10 Q Where you went and saw Ace?

11 A Yeah.

12 Q Turning to row 14, whose text is that?

13 A Staying at the crib, I told -- you that was from me.

14 Q And what did you say?

15 A I said I'm staying in the crib. I totally forgot it was  
16 today that you asked me to ride with the homie. I'm dumb  
17 tired.

18 I was basically saying that I'm tireand I'm staying  
19 in the crib, I forgot that he had wanted me to go see Ace.

20 Q Going down to row 15, do you see row 15?

21 A Yes.

22 Q Who wrote that text?

23 A Chucky -- wait, which --

24 Q Row 15.

25 A That's me.

Campbell - direct - Ngai

1139

1 Q What did you say?

2 A But do you need me to go, bro, because if you need me to  
3 go, I'll go.

4 Q And then the next from, who's that from?

5 A Me.

6 Q And what did you write?

7 A I said, that's only if it's mandatory that you want me to  
8 go.

9 Q What did you mean by that?

10 A What I meant was that's only if, like, I have to go.

11 Q You didn't want to go; is that right?

12 A No, I didn't want to go to be honest.

13 MS. NGAI: Can we go to row 17.

14 Q Who wrote that message to you?

15 A Huh?

16 Q Who wrote that message? Row 17.

17 A That was Chucky.

18 Q What did he write?

19 A Why the fuck you hang up -- why the fuck you hang up with  
20 me to text me.

21 Q Row 18.

22 A Eighteen. He wrote, go to bed homie.

23 Q And then 19?

24 A He said, no rips in your jeans.

25 Q What does no rips in your jeans mean?

Campbell - direct - Ngai

1140

1 A When you go to a jail, you know, you can't wear certain  
2 clothing. So he, basically, said just so I don't get denied  
3 at the door or denied entry from the jail, there's no rips in  
4 your jean.

5 MS. NGAI: Can we go to row 21.

6 Q Who wrote this text? Was that you?

7 A Yeah.

8 Q And what did you write?

9 A I wrote his name and detainee inmate number.

10 Q For?

11 A For Adam, Ace.

12 Q Going to row 22. What did -- row 22, who wrote that  
13 text?

14 A That was Chuck.

15 Q What did he -- what did he text or send you?

16 A He sent me the screen-shot of Adam detainee inmate  
17 information.

18 MS. NGAI: Ms. Wissel, can we turn to the last page  
19 of this document, Government Exhibit 1204-A.

20 Q Is that the image that he sent you?

21 A Yes.

22 Q And whose name is listed in the inmate name?

23 A Adam Polasio.

24 Q Was that the person you went and saw at Attica?

25 A Yes.

Campbell - direct - Ngai

1141

1 Q Even though there was no response -- withdrawn. Even  
2 though Chuck told you to go to bed, what did you understand  
3 that you had to do?

4 A When he said go to bed, like, you know what I'm saying,  
5 but at that time, it was just -- I didn't want to -- I didn't  
6 want to be on his bad side. As I said before, you had asked  
7 me if you felt that it was -- that he told you to go, and I  
8 said, you know, that it wasn't, like, a telling thing but it  
9 was more like I felt like his response would have just -- me  
10 not going would have put me in a place where it's like, I'm  
11 not willing to go above and beyond, you know what I'm saying,  
12 which is -- I didn't want him to feel like I wasn't gonna do  
13 certain things, like little things as simple as that.

14 Q Remember how you talked about Smooch?

15 A Yeah.

16 Q Was he E.A.M.?

17 A Yeah, he was E.A.M.

18 Q I'm gonna direct your attention to approximately May of  
19 2020.

20 A Mh-hmm.

21 Q At that time, what was Smooch calling himself?

22 A He was -- he was on Facebook and he had said somebody  
23 along the lines, like, it's an ape world.

24 Q What does that mean?

25 A He basically -- he's trying -- he's basically stating

Campbell - direct - Ngai

1142

1 that -- remember previously I said about the UGSN, the  
2 Untouchable Gorilla Stone Nation, he was basically saying, you  
3 know, saying -- indirectly saying that it's an ape world,  
4 like, basically inclinating he's not Mazzi anymore. That's  
5 how -- that's how me and, you know, Buckwild took it.

6 Q What was your reaction?

7 A I was kind of just on the -- I was on the -- like, I  
8 what's up with this type of, you know, vibe and I hit -- I  
9 just was -- I didn't like it because -- you know what I'm  
10 saying, it's just -- it was just previous about a lot of  
11 people at that time, switching their hoods, basically turning  
12 a different gang and leaving us. So it was more like aight,  
13 Smooch been an AK for awhile, so.

14 Q What was Buckwild's reaction?

15 A Over the top.

16 Q What did he do?

17 A We went -- we went and we went looking for Smooch, we was  
18 driving. I called Kellz. I called Kellz -- I called Kellz  
19 and another driver I had from the East to come through and we  
20 linked up with -- me and Buckwild had linked up with -- with  
21 him. And we had linked up and saw Smooch on -- we heard he  
22 was there, you know what I'm saying. So I had Kellz and my  
23 other driver from one corner kind of, like, walk up to him so  
24 if he tried to run, he couldn't run nowhere. And then we was  
25 coming from another corner, the other end of going up towards,

Campbell - direct - Ngai

1143

1 you know, I think it was either -- I think it was Shepherd,  
2 going up towards that way.

3 By the time he realized it was us, it was already,  
4 like, really too late. So -- and Buckwild just asked him,  
5 like, yo, listen, what's up? Very aggressively, what's up,  
6 like, what you Jacking, just like that, what you Jacking,  
7 asking him like, yo, what are you -- what are you -- like,  
8 what are you doing, like, are you still a Mazzi basically, and  
9 are you still Milla, and he was just like -- he was just  
10 like -- he was kind of scared and I was like, yo -- I was  
11 recording -- I was recording the whole thing, recording it.  
12 You know, he headbutts him and, you know what I'm saying, and  
13 continues to parade on with his shenanigans.

14 Q Is this considered a physical, violation?

15 A That wasn't -- that wasn't like a physical violation.  
16 That was Buckwild's own personal anger that he let out on  
17 Smooch. After that, though, the camera went off. I didn't  
18 even have any wind of this, but they were on the phone with  
19 Bowser and Bowser had pushed a button on him, basically saying  
20 he got to -- you know, he got to get deducted. That's his  
21 term, basically he has to get beat up. So I'm on the phone  
22 with my family on this side of the street, they just started  
23 beating him up. Weed, drugs, everywhere and they just started  
24 beating him up.

25 Q And that's because -- is it fair to say that that's

Campbell - direct - Ngai

1144

1 because Smooch was identifying himself as a different gang  
2 other than E.A.M.?

3 A Yeah, yeah, that's basically what it is. I sent him the  
4 video after. I kind of felt bad because he was a small dude.  
5 So I sent him the video, I sent Bowser the video and I go,  
6 listen, your boy got put in his place. And he told Buckwild  
7 to go do whatever he told to do, like -- they beat him up.  
8 Buckwild didn't have any parts of it, though, he didn't -- he  
9 just told him, told Kellz and just jumped, you know, on him.

10 Q I'm going to show you what has been marked as  
11 Government Exhibit 702.

12 Mr. Campbell, do you recognize  
13 Government Exhibit 702?

14 A Yes. Yes, ma'am.

15 Q What is it?

16 A It's my phone.

17 MS. NGAI: Your Honor, at this time, the government  
18 moves to admit Government Exhibit 702 into evidence.

19 MR. GUADAGNINO: No objection.

20 THE COURT: We received Government's Exhibit 702.

21 (Government Exhibit 702 was received in evidence.)

22 Q Did you gave permission to law enforcement to look  
23 through your phone --

24 A Yes.

25 Q -- after you were arrested?

Campbell - direct - Ngai

1145

1 A Yes.

2 Q Showing you what has been marked as  
3 Government Exhibit 1150.

4 MS. NGAI: And just to the witness, counsel, and the  
5 Court.

6 Q Do you recognize this?

7 A Yeah.

8 Q What is this?

9 A It's my -- my iPhone sending information, IME, IMED  
10 number -- IMEI number.

11 Q Did an FBI agent take this photo in your presence?

12 A I'm sorry, what did you say?

13 Q Did an FBI agent take this photo in front of you?

14 A Yes.

15 Q And you were present?

16 A Yes, ma'am.

17 MS. NGAI: Your Honor, the Government offers  
18 Government Exhibit 1150.

19 MR. GUADAGNINO: No objection.

20 THE COURT: We received Government's Exhibit 1150.

21 (Government Exhibit 1150 was received in evidence.)

22 Q Can you please read out the IMEI number on this photo.

23 A 35283910827404.

24 Q Can you read the MEID number on top.

25 A You said MEID?



Campbell - direct - Ngai

1146

1 Q Oh, no. The IMEI number under the primary. So it's this  
2 one.

3 A Okay.

4 Q Can you, please, read that.

5 A 352839110912172.

6 Q Thank you. I'm now going to show you what has been  
7 marked as Government Exhibit 1106 and 1136-A, and we can start  
8 with 1106.

9 MS. NGAI: I'm showing this just to the witness,  
10 counsel, and the Court.

11 Q Mr. Campbell, do you recognize this document?

12 A Yes.

13 Q What is it?

14 A It's a conversation of me and Buckwild.

15 Q All six pages?

16 A Yeah.

17 Q Does this document fairly and accurately represent the  
18 text messages that you had with Buckwild in May of 2020?

19 A Yes, ma'am.

20 MS. NGAI: Your Honor, at this time, the government  
21 offers 1106 and -- 1106 into evidence.

22 MR. GUADAGNINO: No objection, Your Honor.

23 THE COURT: All right. We received 1106.

24 (Government Exhibit 1106 was received in evidence.)

25 MS. NGAI: And, Ms. Wissel, can you please play the

Campbell - direct - Ngai

1147

1 first five seconds of Government Exhibit 1106-A without sound  
2 for identification purposes. Again, just for the witness,  
3 counsel, and the Court.

4 (Video played.)

5 Q Mr. Campbell, you mentioned that you were video -- you  
6 were filming the events that occurred with Smooch that night?

7 A Yes, ma'am.

8 Q Mr. Campbell, do you recognize this video?

9 A Yes, ma'am.

10 Q What is it?

11 A A video of Smooch getting headbutted.

12 Q And who was taking this video?

13 A Me.

14 MS. NGAI: Your Honor, the government moves to admit  
15 Government Exhibit 1106-A.

16 MR. GUADAGNINO: No objection.

17 THE COURT: We received Government Exhibit 1106-A.

18 (Government Exhibit 1106-A was received in  
19 evidence.)

20 MS. NGAI: Ms. Wissel, can you, please, play 1106-A  
21 in its entirety with sound.

22 (Video played.)

23 Q That was the video of what happened to Smooch that night?

24 A Yeah.

25 Q Who was the individual yelling at -- who's the individual

Campbell - direct - Ngai

1148

1 yelling?

2 A Buckwild.

3 Q And what was he saying?

4 A Letting him know that at that time -- at that time me and  
5 him, we sharing the hood. So he was just letting him know,  
6 like, listen, man, like, this my shit. You know what I'm  
7 saying earlier, this my shit, and that he not, you know, he  
8 willing to go to jail on it.

9 Q Did he say, "what are you jacking?"

10 A Yeah.

11 Q What does that mean?

12 A Basically, like, what you identify yourself as.

13 MS. NGAI: Can we turn back to  
14 Government Exhibit 1106, second page, and you can highlight  
15 the green bubble first.

16 Q Is that the video -- or did you send that video to  
17 Buckwild?

18 A Yeah.

19 MS. NGAI: Moving to page three. Let's blow that  
20 part up.

21 Q And what did you say? What did you write?

22 A Bdubs says Smooch getting deducted again.

23 Q And then the next one?

24 A Please call me and let me know you're good.

25 Q What did you mean by that?

Campbell - direct - Ngai

1149

1 A I can't really remember. It was probably a personal  
2 situation. He probably wasn't picking up my phone. Knowing  
3 him, he's above up, so I just wanted to make sure he was  
4 aight.

5 Q When you say, "Bdubs said Smooch getting deducted again,"  
6 what does that mean?

7 A Bowser wanted him to get a physical again, or a beat-up  
8 again.

9 Q And that was related, again, to what Smooch was saying  
10 about which gang he belonged to?

11 A Not really, not really. That -- that was a -- if I'm not  
12 mistaken, that was a situation after that had happened. He  
13 was supposed to link -- me and Buckwild were supposed to link  
14 him, Smooch, and the dude in Attica, and he never went -- when  
15 we went to go see him, he never came outside. I guess they  
16 were on to what we were trying to do because -- basically me  
17 and Buckwild were supposed to link up with Smooch to give him  
18 having a violation. For what, I do not remember, but we were  
19 looking for him in the East driving around.

20 MS. NGAI: You can pull down this exhibit. Thank  
21 you.

22 Q Mr. Campbell, did you ever commit any robberies while you  
23 were part of E.A.M.?

24 A Yeah.

25 Q How many?

Campbell - direct - Ngai

1150

1 A Like, like a few.

2 THE COURT: What does a few mean, sir?

3 THE WITNESS: Like, two or three.

4 Q Did you ever use a gun in any of those instances?

5 A Yeah.

6 Q Which one?

7 A The Bronx robbery.

8 Q What was the Bronx robbery?

9 A Corrupt's uncle had said he had the drop on some  
10 Jamaicans that had some bud, weed, marijuana, pounds of it,  
11 so.

12 Q Let me pause you there. Corrupt, he's E.A.M.?

13 A Yeah.

14 Q And who did you say told you about weed?

15 A His uncle.

16 Q Please proceed.

17 A Told him about weed that some Jamaicans had somewhere in  
18 the Bronx. So I had a high point, at this time, without a  
19 clip.

20 Q What's a high point?

21 A A high point pistol without a clip, and Kells had his 2.5  
22 pearl handle.

23 Q Kellz is also E.A.M.?

24 A Yeah, it was me, Kellz, Corrupt, and his uncle was the  
25 driver. We was driving around. I was off -- I was taking

Campbell - direct - Ngai

1151

1 Xanax at this time, taking a lot of Xanax. I took about two.  
2 We were driving around, pulled up to the Jamaicans' houses.  
3 He -- for some reason, he walked up to the gate and said, yo,  
4 they're not outside, they not in the crib. The plan was we  
5 was supposed to -- somebody was supposed to knock and when we  
6 knock and the door cracked open and we just burst in, you  
7 know, brandishing firearms.

8 That never really happened because his uncle said  
9 that they weren't there. So plan B was to -- his uncle said  
10 we gonna rob some dope dealers that up here on the block. I  
11 said, yo, bro, like, that don't even sound right. He said yo,  
12 we gonna do it. I needed money at the time. I wasn't  
13 financially stable. We drove. He drove us around the block.  
14 He dropped us off -- and he dropped us off. When he dropped  
15 us off, we walked, I followed one of the dudes. I had -- I  
16 had white surgeon gloves on and my hands in my pocket. Mind  
17 you, the gun that I had didn't even have a clip in it. It was  
18 just for show.

19 So, I had surgeon gloves on with a high point in my  
20 sweater and I had a red flag over my face with a hoodie, so I  
21 walked behind the kid and I'm like, yo -- I didn't say  
22 anything at first. I followed him into the store. He looks  
23 at me, he looked at Corrupt, and then he walked out. As we  
24 were walking around, he -- he kind of like -- he looked at me  
25 he said, yo, what's up. I said, what's good. My friend

Campbell - direct - Ngai

1152

1 Corrupt asked him, like, yo, you got some weed. He was  
2 like -- I guess he had seen - he looked down at my hand and he  
3 seen the white glove.

4 So when he seen it, he kind of got, like, shaken up  
5 and looked at Corrupt and looked at me and said I'll be right  
6 back. When he said that, I backed out and I put the gun in  
7 his face and I was like, yo, bro, give me everything you got.  
8 And when I said that, he called my bluff immediately and ran.  
9 Like, his man was like, yo, David, run, and he ran the other  
10 way. And when he ran, Corrupt got in the middle of the street  
11 and waved the two firearms and I was like, yo, shoot and he's  
12 like -- he was like, I can't, and that was it.

13 Kellz went and -- Kellz went and ran after him and  
14 then, you know, took his weed, took his money, Corrupt wasn't  
15 aware of this. We didn't inform Corrupt that we got weed or  
16 money. Me and -- me and Kellz just split it down the middle  
17 without telling his uncle that we got any money, you know what  
18 I'm saying. And I got high that night and I sold some weed  
19 and stuff like that.

20 Q And you sold it?

21 A Yeah.

22 Q What's a two five?

23 A A two-five pistol, it's the caliber I guess, I don't  
24 know.

25 Q It's a firearm? It's a gun?

Campbell - direct - Ngai

1153

1 A It's a firearm, yeah.

2 Q And who had the two five that night?

3 A It was actually Kellz's gun but he gave it -- he  
4 didn't -- Kellz didn't brandish anything that night. It  
5 was -- he gave it to Corrupt and I took the high point.

6 Q Did you know if any, other than the people you just  
7 talked about, do you know if anyone else in E.A.M. had guns?

8 A Yes.

9 Q Who?

10 A The high point that I had wasn't mine, it was Poppalots,  
11 a dude that lives in Bushwick.

12 Q Is Poppalot E.A.M.?

13 A Yeah. Kellz, me, a dude named OT, Yokes.

14 Q And you mentioned that Buck asked you to hold a gun that  
15 one time; is that right?

16 A Yes, ma'am.

17 Q Was it at that meeting in the photos that we saw?

18 A Yes, ma'am.

19 Q We talked about Smilez in the beginning, right?

20 A Yeah.

21 Q Did there come a time when you learned that Smilez was  
22 looking for someone?

23 A Yes, ma'am.

24 Q Who was he looking for?

25 A Some dude named Band Up Fresh on Instagram.



Campbell - direct - Ngai

1154

1 Q What was your understanding of why Smilez was looking for  
2 him?

3 A He didn't really get into detail about why he was beefing  
4 with him but there was obviously beef.

5 Q "Beef" means?

6 A Like, basically, a feud between those two, issues.

7 Q And what was your understanding of what Smilez wanted to  
8 do to Fresh once he found him?

9 A To my understanding is that he wanted him dead.

10 Q Do you know Band Up Fresh?

11 A I don't know him at all.

12 Q So I'll now show you what has been admitted as  
13 Government Exhibit 1023.

14 Mr. Campbell, do you recognize the communications in  
15 this document?

16 A Yes.

17 Q Were you a part of these communications?

18 A Yes, ma'am.

19 Q Who were you talking to?

20 A I was talking to Smilez.

21 Q What were you guys talking about?

22 A He was -- we were talking about M010 and I guess we were  
23 talking about Corrupt and --

24 Q Mr. Campbell, let me direct you to row 25, which is on  
25 page three in this exhibit. Row 25. Is that a text from you?

Campbell - direct - Ngai

1155

1 A Yeah.

2 Q And what did you say?

3 A I asked him if that's the nigga right there.

4 Q And did you send him anything?

5 A Yeah, he -- I sent him the picture. He had -- we had a  
6 phone conversation and the phone conversation, his name came  
7 up and asked him what's the dudes's Instagram, he gave it to  
8 me. I typed it on the phone, screen-shotted the photo and  
9 sent it to him.

10 THE COURT: It was a photo of who?

11 THE WITNESS: Who? I'm sorry?

12 THE COURT: Who is this a photo of?

13 THE WITNESS: This is a photo of Fresh.

14 THE COURT: Okay, thanks.

15 MS. NGAI: Turning to the last page in this  
16 document, Ms. Wissel.

17 Q Is that the photo that you sent to Smilez?

18 A Yeah.

19 (Continued on the following page.)

20

21

22

23

24

25

Campbell - direct - Ngai

1156

1 DIRECT EXAMINATION (Continuing)

2 BY MS. NGAI:

3 Q And that was July, July 23rd of 2018?

4 A I believe so, yes.

5 Q Turning back to page three, row 25 through 26.

6 After you sent the photo, what did Smilez say?

7 A He say, yeah, really.

8 Q What did you understand that mean?

9 A He agreed that that was a photograph of the dude he was  
10 talking about.

11 Q Turning to row 27, what did you white?

12 A Copy. I put the word. Ima gonna keep my eyes open for  
13 someone, but I'm letting you know right now I put the word up  
14 that he gotta go, not that he just gotta get smoked.

15 Q The last part, he gotta go, not that he just gotta get  
16 smoked, what did you mean by that?

17 A He gotta to die. He has to get killed.

18 Q Did you put the word out?

19 A I sent one person an image, a photo. Well, I sent one  
20 person -- I put the word out to Kellz, yes.

21 Q Row 28, what did Smilez say in response?

22 A He said, Aight Brody.

23 Q Who wrote that text messages in row 29?

24 A Smilez said, No hot phone shit.

25 Q When did you understand that to mean?

Campbell - direct - Ngai

1157

1 A That he, you know what I'm saying, he -- don't have phone  
2 shit.

3 THE COURT: What does that mean?

4 THE WITNESS: Basically not to speak -- not to speak  
5 over the phone because it could probably be wiretapped.

6 THE COURT: Or just don't speak?

7 THE WITNESS: Basically to speak, but, like, don't  
8 talk about this over the phone.

9 THE COURT: Okay.

10 Q Row 30 and 31, what did you write back?

11 A I said, Nah, this is the last time I'm bringing this up  
12 over the phone.

13 Q Did you or Kellz, did you guys find Fresh?

14 A Nah.

15 Q If you had found Fresh or knew where he was, would you  
16 have given that information to Smilez?

17 A I would have gave the location, yeah.

18 Q Let's turn to a different topic, Mr. Campbell.

19 You testified that you sold drugs; is that right.

20 A Yeah a little, but I -- yeah.

21 Q What kind of drugs?

22 A Pills.

23 THE COURT: What pills?

24 A -- weed.

25 THE WITNESS: Benzodiazapine, Xanax, opiates, percs.

Campbell - direct - Ngai

1158

1 Q Did you say weed?

2 A Yeah, a little bit of weed.

3 Q Who did you sell it to?

4 A People in my neighborhood. I used to steal my  
5 grandmother's Xanax pills.

6 Q And why did you sell drugs?

7 A I needed the money. I wasn't -- I wasn't a very good  
8 drug dealer.

9 Q Do you know if other members of E.A.M., did they sell  
10 drugs spell?

11 A Yeah.

12 Q Who?

13 A Smooch, Chuck. Smooch, Chuck, Ty.

14 Q Chuck, what kind of drugs did he sell?

15 A Like weed and crack.

16 Q Do you know where he got the drugs?

17 A Nah, I don't.

18 Q Did you two ever talk about selling drugs together?

19 A There was one time I was in the house off of Highland  
20 Park and I don't know if he was joking or not, but he had like  
21 pounds of wee. He like through me a plate, which is a pound  
22 of weed and was like yo, try to make some bread, flip this,  
23 I'm like I'm not fucking with that. I didn't want him to  
24 front me anything. So I was, like, I ain't trying to owe you  
25 no bread, I'm good.

Campbell - direct - Ngai

1159

1 THE COURT: So Chuck offered you a pound --

2 THE WITNESS: Yeah.

3 THE COURT: -- of weed to sell?

4 THE WITNESS: Uh-hum.

5 THE COURT: And then you would give him the money

6 or --

7 THE WITNESS: Yeah.

8 THE COURT: -- a portion of the money?

9 THE WITNESS: Yeah.

10 Q Did you say no because you didn't want to give up the  
11 money or you just didn't want to sell drugs for Chuck?

12 MR. GUADAGNINO: Objection, leading.

13 THE COURT: Why did you say no to Chuck about  
14 selling weed?

15 THE WITNESS: I didn't want to owe him know bread, I  
16 didn't want to owe him no money. I didn't feel that was in my  
17 best interest. I don't -- you know what I am saying? I just  
18 didn't want to owe him no money.

19 Q Why?

20 A As big as I am, he's kind of on the intimidating side,  
21 history, credibility is different. You know what I am saying?  
22 I didn't want to owe him any money.

23 Q How tall are you?

24 A Six-four.

25 Q Can you stand up?

Campbell - direct - Ngai

1160

1 Do you know how tall Chucky is?

2 A Five feet.

3 Q Where does he come up to you?

4 A My chest.

5 Q Thank you.

6 THE COURT: Just below the shoulder?

7 THE WITNESS: Yes, just below the shoulder.

8 Q Did you ever see Chuck make or sell drugs?

9 A Never. I've never visually seen Chuck sell drugs.

10 He showed me weed that he's had.

11 There was a time that I was in the house on Jamaica,  
12 he had -- not Jamaica, the Highland area, like off Highland  
13 Park, and he like showed me, like, moon rocks that were like  
14 in a pan, like -- you know what I'm saying? Like in the  
15 process of being made.

16 Q What are moon rocks?

17 A Moon rocks is just weed with hash oil.

18 Q And showing you what is admitted as Government Exhibit  
19 216A. Do you recognize this?

20 A Yeah.

21 Q What is it?

22 A That's the house that I've been talking about.

23 Q Where you saw Chuck make moon rocks?

24 A That's where -- yeah. Yeah, that's where I seen it at.

25 MS. NGAI: You can take down this one. Thank you.

Campbell - direct - Ngai

1161

1 Q Now -- withdrawn.

2 You said you didn't want to sell drugs with or for  
3 Chuck. Do you know if anyone else did?

4 A There' only one person.

5 Q Who?

6 A Rizzo.

7 Q Rizzo is E.A.M.?

8 A Yes.

9 Q What kind of drugs did Rizzo sell for with Chuck?

10 A Rizzo sold crack.

11 Q Where was he getting the crack?

12 A He had informed me that he was getting it from Chuck.

13 Q Did you ever learn of any issues with Rizzo and Chuck  
14 over drugs?

15 A Issue with Rizzo and Chuck over drugs?

16 There was a time where there was a brief moment I  
17 was on the phone with my ex-girlfriend and I was -- he was  
18 parked, I was in the car. He was having a conversation with  
19 Chucky outside.

20 I didn't really get a wist [sic] of exactly their  
21 conversation, but I had heard him say packed in a package like  
22 drugs, like a pack, whatever.

23 Rizzo had told me -- I don't know if it was after  
24 this, but I remember a conversation where he had told me that  
25 yo, I fucked up a pack for Chuck. That's what he said: I



Campbell - direct - Ngai

1162

1 fucked up a pack for Chuck.

2 As I'm sitting there, I'm, like, I mean -- that's  
3 why I figure, like, you know what I'm saying, he was getting  
4 it from Chuck. That was the only conversation where I felt  
5 like he was, like, talking to him about drugs. And just, you  
6 know, how -- when we got back and drove back, how distressed  
7 he was, I would say.

8 Q Do you know what happened?

9 A Nothing really happened. It wasn't something that was  
10 overly blown out of proportion.

11 Q You mentioned other individuals who sold drugs. You  
12 mentioned that Smooch did. What kind of drugs did Smooch  
13 sell?

14 A Smooch sold weed. He sold weed and I'm pretty sure he  
15 sold crack.

16 Q What about Ty? You mentioned Ty.

17 A I don't really like -- Ty is like, I mean, he -- I don't  
18 know like he -- it was told to me that he sold crack, but he  
19 didn't strike me as that.

20 Q In addition to you selling drugs, did you use marijuana?

21 A Did I use it?

22 Q Yes.

23 A Yes.

24 Q Other drugs?

25 A Yeah.

Campbell - direct - Ngai

1163

1 Q Are there different names for marijuana?

2 A Yeah.

3 Q What names do you use to refer to marijuana?

4 A Like different strains?

5 Q Yes.

6 A Like sour, grand daddy, perp, bubble kush, OG bubba,  
7 things like that.

8 Q Ever heard of the term lemon cookies?

9 A Yeah.

10 Q What's that?

11 A That's a strain of weed.

12 Q White gold, ever heard of that?

13 A Yes.

14 Q What is it?

15 A That's another strain of weed.

16 Q What about pink kush. K U S H?

17 A I've heard of that too.

18 Q What is that?

19 A Another strain of weed.

20 Q Ever heard of platinum cookies?

21 A Uh-hum.

22 Q What is that?

23 A That's another strain of weed.

24 Q Fruit punch?

25 A Another strain of weed.

Campbell - direct - Ngai

1164

1 Q Gelato?

2 A Another strain of weed.

3 Q Mr. Campbell, did you ever commit any fraud?

4 A Yes, ma'am.

5 Q What type of fraud did you commit?

6 A Insurance fraud.

7 Q What did you do exactly?

8 A I staged car accidents. They were staged, but they  
9 weren't staged, and what I mean by that is to us they were  
10 staged but we were honestly putting the lives of innocent  
11 civilians at risk.

12 THE COURT: What? I'm sorry?

13 THE WITNESS: To us they were staged, our car, but  
14 we were putting innocent civilians at risk.

15 THE COURT: Thank you.

16 Q Whose idea was it?

17 A Well, it was brought to my attention from one of my  
18 friends, you know, that I got a call one day, he was, like,  
19 yo, you trying to make some extra money?

20 At first he was, like, are you trying to be a  
21 passenger in a car? I looked at him with like he was crazy.  
22 But then when he broke it down, like, you going to get a  
23 lawsuit. He said I give you \$50 up front.

24 So we went, the first one, we did it. You know, it  
25 came through for about -- later on in a year, it came through,

Campbell - direct - Ngai

1165

1 but while I was waiting for it, I started to see -- I was  
2 curious about how much money he was making.

3 So, I kind of jumped over him and went to a Mexican  
4 guy he deals with, goes by the name of Jimmy. I don't know  
5 who he is, but, you know, I basically was paid about \$2,200 on  
6 the spot to bring passengers -- I would in a get car with New  
7 York license plates and bring four passengers. I would bring  
8 four passengers. And for that on the spot, I get like \$2,200  
9 exactly in an envelope.

10 And as long as I make them go to therapy, I get an  
11 additional 500 on top of it, like four days later, and then I  
12 get a little bit of a cut of the lawsuit at the end of the  
13 year or however long the settlement takes to....

14 Q And do you actually create a situation where you're  
15 hitting a car or a car is hitting you?

16 A We create a situation where a car is actually hitting us,  
17 like a live situation where a car is hitting us.

18 Q How many times did you do this?

19 A I was a part of one. I was a part of two my wife.

20 I would actually, you know, go to put all my friends  
21 in my circle on to it, the scheme, you know, make them  
22 passengers and then ask them for a little cut at the end of  
23 their -- you know, whatever, they get, 50,000 to \$100,000, I  
24 get \$10,000 at the end of it, or something, whatever.

25 So, I would say I was involved in two, but I

Campbell - direct - Ngai

1166

1 probably assisted in about four or five of them.

2 Q Did you actually get -- did you get hurt during any of  
3 these accidents?

4 A Injuries. Injuries that I sustained they were real.

5 Q Did you have to go through surgery for any one of these  
6 injuries?

7 A Yeah. Yeah, I did. I've actually gotten surgeries. I  
8 actually did get surgery on both my knees.

9 Q Did you have to get surgery?

10 A I didn't have to get surgery, but the doctor recommended  
11 it.

12 Q Was it your understanding that if you did get surgery,  
13 whatever insurance payout you would receive would actually be  
14 higher than if you didn't have surgery?

15 A Yes, ma'am.

16 Q How many times did you have surgery for injuries that you  
17 incurred when you were in these accidents?

18 A I got left knee surgery. I had a torn meniscus. I had a  
19 cyst in both my knees and a torn meniscus in both.

20 I had left knee surgery for the first accident. I  
21 gained \$10,000 for that one, and then I got \$50,000 for the  
22 second one.

23 Q Did you recruit any E.A.M. members into the scheme?

24 A Yes, I did.

25 Q Who did you recruit?

Campbell - direct - Ngai

1167

1 A Biggy and Joker.

2 Q Did they go through the accident? Did they go through  
3 this process as well?

4 A Biggy -- Biggy didn't go through the process. He  
5 actually got into a real car accident and I just brought him  
6 to the corrupt therapy that I was associated with.

7 But I put Joker in a situation.

8 Q Were you paid for bringing these individuals into the  
9 scheme?

10 A Was I paid for --

11 Q Did you get a referral fee or referral -- did you get  
12 money for introduction?

13 A Yeah. I got a referral fee -- I got a referral fee from  
14 the Mexican guy for bringing Biggy to the therapy.

15 Q Did you participate in any kind of credit card scams or  
16 schemes while you were in E.A.M.?

17 A A little bit, yeah.

18 Q What did you do?

19 A Hum, it would be just like dumps, I would buy dumps. I  
20 would buy credit cards numbers off eShop with crypto currency,  
21 I would buy credit card numbers and we would -- we would use  
22 the term punch the numbers in. It's called like punchies and  
23 I would get movie tickets for free, free food, free clothes,  
24 you know, like basically living necessities.

25 Q Did other E.A.M. members do that as well?

Campbell - direct - Ngai

1168

1 A Only me and Kellz.

2 Q Was it common knowledge that you and Kellz were making  
3 money through credit cards scams, selling drugs? Was that  
4 common knowledge?

5 A We didn't make a lot of money doing credit card scams,  
6 but, yeah, it was common knowledge.

7 Q Was there any --

8 THE COURT: When you say "common knowledge," among  
9 whom?

10 MS. NGAI: Among the gang.

11 Q Among E.A.M. members.

12 A Oh, among E.A.M. members was it common -- nobody really  
13 knew what we were into. Me and Kellz kept that really amongst  
14 us.

15 Q Was there any discussion at meetings for E.A.M. about how  
16 to make money?

17 A Oh, yeah, yeah. There was a universal in Queens, a  
18 universal in Queens in a garage.

19 Q When did this meeting take place?

20 A I don't really -- I would say like -- I would say like --  
21 it was cold, so I would say like going in, like, the fall of  
22 '18, going into the winter.

23 Q Who was at this meeting?

24 A Chucky, Smilez, me, Buck.

25 Q What, if anything, did Chuck say at this meeting?

Campbell - direct - Ngai

1169

1 A Well, he was -- there was one point in the meeting where  
2 he was just stating that, you know, you know what I'm saying,  
3 like, whether it be legal, illegal. You know what I'm saying.  
4 We gotta get money as a whole, got to stay in the circle. He  
5 was, like, if you do credit cards, if you do credit card  
6 fraud, then you deal with credit cards.

7 You know, the bro might have -- if you sell bud or  
8 whatever you selling, you know what I'm saying, you could deal  
9 with that lane, if you get a job, you can be ask other people  
10 for jobs. He was just trying to basically, like, whatever it  
11 is, you know, make money, try to get us together and stay  
12 within -- keep it within the nation, like.

13 THE COURT: So when you would engage in these  
14 different robberies or frauds, did you contribute any of that  
15 money for the group?

16 THE WITNESS: There were definitely times I would  
17 put in money for the gang. I would put in the kitty. There  
18 would be a kitty pot and it would be like finances for the  
19 gang, or up north, whatever they said they send it, but it  
20 would be money for the gang., like, you know, 20, 30. I  
21 wasn't really invested in that at all. But I put my little,  
22 you know, my -- coins in there.

23 Q You mentioned kitty.

24 A Uh-hum.

25 Q What is a kitty?



Campbell - direct - Ngai

1170

1 A Kitty is -- kitty is like a -- like a pot that, like, at  
2 meetings -- not literally a pot. It would, like, just a  
3 collective of money, you know, brought up and collected  
4 amongst other Blood members and, you know, put towards people  
5 that are locked up. This is what they say.

6 Big problem with that is a lot of individuals -- it  
7 was a lot of situations over that because a lot of individuals  
8 didn't necessarily believe they -- they would think that they  
9 would take it for their own personal use. I didn't really  
10 know because I didn't deal with that.

11 That's what kitty is. It's supposed to be a bag  
12 that's passed around at a meeting collecting the money and  
13 sent to guys that are incarcerated that need financial help,  
14 things like that.

15 Q Who decides where the money goes?

16 A Whoever's at the nine, like, with influence. For  
17 example, Chuck would be at one. If -- if kitty for -- you  
18 know, and he's the only one with influence at that meeting and  
19 kitty's being passed around, he would be responsible or he  
20 would, you know, mostly decide, you know, where it would go or  
21 just, like, Smilez or -- you know, if he was at a nine,  
22 anybody of influence.

23 I -- for example, I threw a meeting in my house. I  
24 was the only one with status that wanted to deal with it. So  
25 I passed around -- this is actually when he was incarcerated,

Campbell - direct - Ngai

1171

1 I collected the money for him.

2 Q When you say him, who are you pointing to?

3 A I collected the money for Chucky. So, I, you know, I did  
4 my little rounds, got whatever I could. It was a lot of  
5 excuses on, you know, money, why, you know, it wasn't up to  
6 par, but still I gave it to an individual named Nate Boy and  
7 he said he did whatever he did with the money.

8 Q When you say "he did whatever he did with the money,"  
9 what are you referring?

10 A Nate Boy said he sent him the money when he was locked  
11 up.

12 Q He sent who?

13 A Chucky the money.

14 Q Thank you.

15 Showing you what has been admitted -- actually, I  
16 take that back.

17 Showing you what has been marked as Government  
18 Exhibit 1102.

19 MS. NGAI: And showing just for the witness, counsel  
20 and the Court.

21 Q Mr. Campbell, do you recognize this document?

22 A Mandatory...got no excuses....

23 Q Please do not read out from the document at this time  
24 yet. Just take a look and see if you recognize it.

25 A Yes.

Campbell - direct - Ngai

1172

1 Q What is it?

2 A It's a -- it's an oath.

3 Q Are these notes that you had on your phone?

4 A Yes, these are notes that I have on my phone.

5 MS. NGAI: Your Honor, at this time, the Government  
6 offers Government Exhibit 1102 into evidence if.

7 THE COURT: Mr. Guadagnino, any objection?

8 MR. GUADAGNINO: One moment, Your Honor, I'm sorry.  
9 Yes. Objection. Hearsay.

10 THE COURT: All right. Do you want to be heard of  
11 in response?

12 MS. NGAI: Your Honor, we are showing these notes to  
13 establish that there were meetings, nine-elevens.

14 THE COURT: For the truth?

15 Q Are these notes that you wrote?

16 MS. NGAI: To the witness.

17 A A part of those notes -- see -- the -- the -- the power  
18 skin, that's my own personal entertainment thing, but the  
19 mandatory nine-eleven, Sunday, at 2:10 p.m., those are notes  
20 that I wrote.

21 That Queens, New York meeting was the meeting that  
22 Chuck was -- that Chuck was -- no, this meeting right here in  
23 Queens is whole another meeting. I'm sorry. I apologize for  
24 that. Chuck wasn't -- Chuck wasn't present at this nine.

25 MS. NGAI: I'm just going to pause you there, Mr.

Campbell - direct - Ngai

1173

1 Campbell.

2 Your Honor, we are not necessarily establishing the  
3 truth of the statement that this meeting took place at certain  
4 times; it's just really that there is something called the  
5 nine-eleven meeting and that they are reflected in these  
6 notes.

7 THE COURT: And these are notes based on your  
8 attendance or you received notification of the meetings?

9 THE WITNESS: These are notes based on me writing it  
10 down and getting -- getting information from the higher-ups to  
11 send out to the little homies about the meeting and the time  
12 and the place.

13 THE COURT: All right. These are the witness' own  
14 notes. The objection is overruled.

15 MS. NGAİ: Ms. Wissel, can we please take a look at  
16 the first note.

17 Q Mr. Campbell, I'm just going to direct you to -- do you  
18 see the summary, the second line?

19 A It says summary?

20 Q Does it say mandatory nine-eleven?

21 A Yeah, mandatory nine-eleven.

22 Q What is a nine-eleven?

23 A A nine-eleven is a meeting. It's another term for a  
24 meeting.

25 Q Can you continue reading the rest of the summary

Campbell - direct - Ngai

1174

1 statement?

2 A Mandatory nine-eleven, Sunday, at 2:10 p.m. on the dot,  
3 no excuses. If niggas don't show, niggas gettin' dubbed.  
4 Send this to every AK, 4-10275 Queens, New York.

5 Q What happened at this meeting?

6 A This was a meeting that only Bowser and Buckwild was --  
7 it was me, Bowser and Buckwild at this meeting, and it was  
8 just catching up on things, like same thing as every other  
9 meeting, like what we going to do, you know, to try to change  
10 things, who would be put in certain positions.

11 Q Thank you.

12 THE COURT: There were just three of you there?

13 THE WITNESS: No, no, it was a couple of us. That's  
14 as far as higher-ups.

15 THE COURT: Okay.

16 THE WITNESS: Yeah.

17 MS. NGAI: Ms. Wissel, if you could zoom in on the  
18 third note, the second page.

19 Q Do you see the part where it says top floor meeting?

20 A Yes.

21 Q What is a top floor meeting?

22 A Top floor meeting is strictly just higher-ups that's on  
23 the top floor. It's a meeting with strictly worldwide lineup  
24 individuals.

25 Q Did anything happen at that meeting?

Campbell - direct - Ngai

1175

1 A A physical.

2 Q Someone --

3 A Somebody got brought home. I think two people got  
4 brought home.

5 Q What do you mean by "brought home"?

6 A They got a physical. They got jumped in.

7 MS. NGAI: You can take that down.

8 Q Mr. Campbell, prior to your arrest, did you have any  
9 Facebook accounts?

10 A Yes, ma'am.

11 Q What were your account names?

12 A Topnotch Phaze and Unruly Phaze.

13 Q What about Instagram, did you have an Instagram account?

14 A Yes, ma'am.

15 Q What was the name of your Instagram account?

16 A The official Unruly Phaze.

17 Q Switching topics, have you ever heard of the term "top of  
18 the morning"?

19 A Yeah, top of the morning. Uh-hum. Like good morning.

20 Q Top of the top?

21 A Top of the top, same thing, like good morning.

22 Q Thank you.

23 Let me take a step back. You testified earlier that  
24 when you were in E.A.M., you committed crimes, and you  
25 described those crimes; correct?

Campbell - direct - Ngai

1176

1 A Yes, ma'am.

2 Q What crime were you initially charged with in this case?

3 A Conspiracy to commit murder.

4 Q Whose murder?

5 A The attempted -- to commit -- to commit murder, the  
6 attempted murder of Fresh.

7 Q Did you, in fact, commit this crime of conspiracy?

8 A Yes, ma'am.

9 Q And you testified that after you were arrested you  
10 eventually cooperated with the Government; is that right?

11 A Yes, ma'am.

12 Q As part of that process, did you meet with the  
13 prosecutors and agents for the Government?

14 A Yes, ma'am.

15 Q As part of that process, did you have to tell the  
16 Government all of the crimes you had committed even though you  
17 had not been charged or arrested for some of those crimes?

18 A Yes, ma'am.

19 Q Including crimes that you committed when you were  
20 younger?

21 A Yes, ma'am.

22 Q And you also told them -- you also told the Government  
23 about your role and involvement in E.A.M.; is that right?

24 A Yes, ma'am.

25 Q Did you also have to tell them that you committed the

Campbell - direct - Ngai

1177

1 fraud that you just talked about?

2 A Yes, ma'am.

3 Q And did you also tell the Government that in connection  
4 with that fraud of the staged-car accidents, did you tell the  
5 Government that you also lied under oath in connection with  
6 that fraud?

7 A Yes, ma'am.

8 Q How many times did you lie under oath?

9 A A lot on two separate despositions [sic] --

10 Q In two separate --

11 A Lawsuits.

12 Q Lawsuits. And did you say depositions?

13 A Yeah, like I had to get, you know, if I am not mistaken,  
14 they give you something when you're in a lawsuit, you have to  
15 go in a building and get depo -- I don't really, you know what  
16 I'm saying. You -- it's a deposition. Yeah. Questions about  
17 car accident, what happened, when did it happen, things of  
18 that nature.

19 Q You were asked by a lawyer about the type of injuries you  
20 got from the car accidents?

21 A Yes.

22 Q Was that part of the fraud or the scheme?

23 A The lawyer that I was working with?

24 Q Yes.

25 A Yes.



Campbell - direct - Ngai

1178

1 Q You were under oath when you were asked these questions  
2 by that lawyer or by another lawyer?

3 A I don't know if it was a lawyer, but it was somebody --  
4 yeah, if I am not mistaken it was the other insurance's  
5 lawyer, so, yes.

6 Q When that lawyer asked you questions, were you under  
7 oath?

8 A Yes, I was under oath.

9 Q And you're testifying that you lied?

10 A Yes, I lied.

11 Q What did you lie about?

12 A Obviously, it is insurance fraud. You admitted to the  
13 Government that it was staged-car accidents. They asked  
14 these, you know, did you really get hurt, was it, you know,  
15 bad. I told them yes.

16 I didn't really get really hurt. The whole car  
17 accident thing was a lie. It was -- hum.

18 Q Let me pause you there. My apologies.

19 Just talking about the depositions, focusing your  
20 attention on the depositions that we were talking about --

21 A Yeah.

22 Q -- you did those depositions when you were still engaged  
23 in insurance fraud; is that right?

24 A Yes.

25 Q During those depositions, were you asked questions about

Campbell - direct - Ngai

1179

1 the nature of your injuries?

2 A Yes, I was asked questions about the nature of my  
3 injuries.

4 Q And how you got those injuries?

5 A Yes.

6 Q And what did you say while you were under oath during  
7 those depositions?

8 A I told them I sustained those injuries during the car  
9 accident.

10 Q Was that a lie?

11 A Yes.

12 Q And how many times did you lie about that?

13 A Twice.

14 Q During your meeting with the Government, did you admit  
15 that you lied during those depositions?

16 A Yes.

17 Q And did you tell Government how much money you had made  
18 from those staged-car accidents?

19 A Yes.

20 Q Why did you tell Government about that, about lying under  
21 oath about the staged-car accidents and about all the other  
22 crimes that you had not been charged for?

23 A Well, when you enter a cooperation agreement, you have to  
24 be completely honest about not only the things that you were,  
25 you know -- the crimes of others, but crimes, you know, that

Campbell - direct - Ngai

1180

1 you've committed too, and talking about from young, young. So  
2 I just wanted to clear everything out and get that weight off  
3 my shoulders, you know what I am saying, and just be honest  
4 and just clear everything, just everything, just let my truth  
5 out.

6 Q And as part of process, were you required to tell the  
7 truth about everything that you've done?

8 A Yes.

9 Q You eventually signed a cooperation agreement with the  
10 Government; isn't that right?

11 A Yes, ma'am.

12 Q As part of that agreement, what did you agree to do?

13 A I agreed to testify here truthfully and honestly, not  
14 only about the crimes of others, but as well myself.

15 MS. NGAI: Showing just the witness what has been  
16 marked as Government Exhibit 3500-AC-1.

17 Q Mr. Campbell, do you recognize this document?

18 A Yes, ma'am.

19 Q What is it?

20 A It's my cooperation agreement.

21 Q Turning to the last page of the document, is your  
22 signature on this page?

23 A Yes.

24 Q Did the Government sign this agreement as well?

25 A Yes, ma'am.

Campbell - direct - Ngai

1181

1 Q Is this a true and accurate copy of your cooperation  
2 agreement with the Government?

3 A Yes, ma'am.

4 MS. NGAI: Your Honor, the Government offers  
5 3500-AC-1.

6 MR. GUADAGNINO: No objection.

7 THE COURT: We receive 3500-AC-1, Government  
8 Exhibit.

9 (Government's Exhibit 3500-AC-1 received in  
10 evidence.)

11 Q As part of this agreement, did you plead guilty to the  
12 murder conspiracy charge that you had been arrested for in  
13 this case?

14 A Yes, ma'am.

15 Q Did you also have to plead guilty to additional crimes  
16 that you had not initially been charged with before you  
17 started cooperating?

18 A Can you repeat that?

19 Q Sure. Did you have to plead guilty to additional charges  
20 that you had not been charged with initially before you  
21 started cooperating?

22 A Yes, ma'am.

23 Q Were those some of the crimes that you had admitted to  
24 the Government when you met with them?

25 A Yes, ma'am.

Campbell - direct - Ngai

1182

1 Q The additional crimes that you pled guilty to, did you  
2 plead guilty to racketeering conspiracy?

3 A Yes, ma'am.

4 Q And what was that for?

5 A The racketeering conspiracy was for the agreement of, you  
6 know, participating in E.A.M., like the oath and the agreement  
7 of crimes.

8 Q Did you also plead guilty to carrying a firearm in  
9 connection with E.A.M.'s racketeering activity?

10 A Yes, ma'am.

11 Q Including drug trafficking?

12 A Yes, ma'am.

13 Q Are you, in fact, guilty of all those crimes?

14 A Yes, ma'am.

15 Q As part of your agreement, did you also have to admit  
16 that you committed the insurance fraud?

17 A Yes, ma'am.

18 Q And did you admit, as part of your agreement, that you  
19 lied under oath in connection with that insurance fraud?

20 A Yes, ma'am.

21 Q Now, before you began cooperating with the Government,  
22 what was the maximum sentence that you were facing?

23 A Ten years.

24 Q Were you facing any mandatory minimum sentence at that  
25 time?

Campbell - direct - Ngai

1183

1 A No.

2 Q After you cooperated and pleaded guilty to the charge  
3 that you had been arrested for and the additional crimes --

4 A Yeah.

5 Q -- what is the maximum sentence that you face now?

6 A Life plus 30.

7 Q When you say plus 30 --

8 A Life imprisonment plus 30 years.

9 Q After you pleaded guilty, as you sit here today, do you  
10 have a mandatory minimum sentence?

11 A Yes, ma'am.

12 Q What is it?

13 A Five years.

14 Q So you didn't have a mandatory minimum sentence before?

15 A No.

16 Q And now you do?

17 A Yes.

18 Q What will happen if you live up to your end of this  
19 agreement and testify truthfully?

20 A At sentencing I'm granted a motion of 5K1 which grants  
21 the judge to go under my mandatory minimum.

22 Q What is included in this 5K letter?

23 A Witness protection, everything about relocation.

24 Q The 5K letter?

25 A The 5K -- oh, the 5K letter, you mean?

Campbell - direct - Ngai

1184

1 Q Yes.

2 A Can you repeat that?

3 Q Yes. What is your understanding of what is included in a  
4 5K motion as you just said?

5 A My understanding what's included in the 5K motion is a  
6 letter is put into the Government and -- from the Government  
7 at sentencing and just putting it out there, the good, the  
8 bad, the ugly about me, the cooperation, the extent of my  
9 cooperation, and it's just up to the judge to decide my  
10 sentencing after that.

11 Q Does this 5K letter require the judge to go below the  
12 mandatory minimum sentence?

13 A Require the judge to go under the -- require to go under?  
14 Yes.

15 Q It requires -- it requires the judge to go below the  
16 mandatory minimum?

17 A No. The 5K1, like, she can go under it, like, by law.

18 Q But does she have to?

19 A No, no, no.

20 Q What is the maximum sentence that the judge can sentence  
21 you to?

22 A Life plus 30 years.

23 Q Even if the Government writes a 5K letter for you?

24 A Yes.

25 Q Does the judge have to give you a lower sentence?

Campbell - direct - Ngai

1185

1 A No, not at all.

2 Q Sitting here today, do you know what your sentence will  
3 be?

4 A No.

5 Q Has anyone promised you a lower sentence?

6 A No.

7 Q Does it matter if the defendant is convicted in this  
8 case?

9 A No, not at all. It doesn't matter.

10 THE COURT: You mean it doesn't matter with regard  
11 to his sentence?

12 MS. NGAI: Yes.

13 Q What is the only thing that you have to do here? What is  
14 the only thing that you have to do here today?

15 A To just tell the truth, you know, about everything that I  
16 was doing, about my lifestyle and, you know, this gentleman,  
17 Chucky.

18 Q The truth?

19 A Yeah, the truth.

20 Q What happens if you lie here today?

21 A If I lie here today, I -- I won't get a 5K1 sentencing  
22 and I definitely be looking at a lot more time than I was  
23 looking at.

24 Q If you lie, can you take back your guilty plea?

25 A No.



Campbell - direct - Ngai

1186

1 Q If you lie, what is the maximum sentence that you get?

2 A The maximum sentence I get is life plus 30 years.

3 Q And what is the minimum sentence you can get?

4 A Five years.

5 Q We have talked a lot about the crimes that you have  
6 committed as part of E.A.M.

7 Looking back on it now, as you sit here today, could  
8 you explain why you did it?

9 THE COURT: Why he did the crimes with E.A.M.?

10 MS. NGAI: The crimes.

11 A Hum, it's really no excuse for it at the time -- at that  
12 time, before I started branching off into other things as far  
13 as entertainment, I spent a lot of years gang-banging. So at  
14 the time, my mind, growing up, and -- it just -- I have no  
15 real excuse. It was a part of my lifestyle at the time, and I  
16 was young and really stupid, so, you know, I didn't -- it's  
17 crazy that it took me to get indicted for me to realize that,  
18 but, you know, you got to experience certain things.

19 Q Are you proud of the things that you have done as part of  
20 E.A.M.?

21 A I'm embarrassed.

22 No.

23 MS. NGAI: Thank you. Just a moment, please.

24 (Pause.)

25 Q One last thing, Mr. Campbell.

Campbell - direct - Ngai

1187

1 Remember when I made you stand up or asked you to  
2 stand up?

3 A Yes.

4 Q And you demonstrated that Chuck hit you at what, shoulder  
5 level?

6 A About. Yeah.

7 Q Despite that, you said that Chuck was intimidating; is  
8 that right?

9 A Yeah.

10 Q Why do you feel that he is intimidating?

11 A Just -- just me being around people that's around and  
12 hearing just his life story, I -- you know, his experiences in  
13 East New York, you know what I'm saying.

14 Q Can you please explain? Why does he intimidate you?

15 A He shot somebody's leg off.

16 Q How do you know that?

17 A I mean, it's not something that I know. It's just like  
18 this is something that when we were -- when we were in  
19 quarantine.

20 Q I'm going to pause you there. You heard stories about  
21 this?

22 A Yeah.

23 Q Did that influence your -- how you perceived him?

24 A Yeah. I -- you know what I mean. Yeah, definitely.

25 THE COURT: When you were in quarantine due to

Campbell - direct - Ngai

1188

1 COVID, sir?

2 THE WITNESS: Yeah. And -- sorry. Him getting  
3 shot, him getting shot, it was just like, you know what I'm  
4 saying, it's just like rough.

5 (Pause.)

6 MS. NGAI: No further questions. Thank you.

7 THE COURT: Are the jurors ready to take a lunch  
8 break now?

9 THE JURY: Yes.

10 THE COURT: Please don't take about the case.  
11 Return to the jury room at 2 o'clock. Leave your notebooks  
12 and anything else face down on your chair.

13 Thank you.

14 (Jury exits the courtroom.)

15 THE COURT: All right. We will take one hour and  
16 then -- Mr. Guadagnino?

17 MR. GUADAGNINO: I'm sorry, Your Honor.

18 THE COURT: After lunch you can cross-examine this  
19 witness.

20 MR. GUADAGNINO: Yes.

21 MR. GALEOTTI: Your Honor, may I -- oh, after the  
22 witness.

23 THE COURT: You are excused, sir. You can have your  
24 lunch. Thank you.

25 (Witness leaves the stand.)

Campbell - direct - Ngai

1189

1 THE COURT: Yes.

2 MR. GALEOTTI: This should be brief, Your Honor.

3 This is a request to the defense that the Government agrees  
4 to. I'm going put it on the record.

5 Yesterday, during the direct examination of Damian  
6 Bullock, pursuant to Rule 801(d)(1)(A) and Rule 902(4), the  
7 Government offered the full transcript of 3500-DB-4. At the  
8 end of the direct, the Government offered 3500-DB-6, which it  
9 then read into the record.

10 Defense counsel has asked that we cut it off from  
11 the cover page to page 9, at line 19, which is where I read to  
12 the jury.

13 The rest of it is a colloquy between the ADA and the  
14 grand jurors and it IS probably appropriate to cut it off  
15 there, so the Government consents.

16 THE COURT: Okay. So why don't you react the part  
17 that you want redacted. Submit a fresh copy after you have  
18 Mr. Guadagnino review it.

19 MR. GALEOTTI: Exactly, Your Honor. Thank you.

20 THE COURT: Thank you. And we will substitute it.

21 MR. GALEOTTI: Yes.

22 THE COURT: Is that it?

23 MR. GALEOTTI: Yes, Your Honor. Thank you.

24 THE COURT: Thank you. We will see you at 2:00.

25 (Lunch recess.) (Continued on next page.)

Proceedings

1190

1 AFTERNOON SESSION

2 (In open court; jury not present.)

3 THE COURT: Hi, everybody.

4 Ready to proceed?

5 MS. NGAI: Your Honor, we just have an

6 administrative issue.

7 THE COURT: What can I do for you?

8 MS. NGAI: We just have a slight administrative

9 issue.

10 Our witness, Mr. Campbell, needs to go to the  
11 restroom. He's been in the witness room. He's been waiting  
12 for the marshals to come up to escort him so that he's not in  
13 the hallway, passing by the jurors. Unfortunately, they still  
14 have not come yet. I don't know what the juror -- if the  
15 jurors are all in the room --

16 THE COURT: We can keep them there.

17 THE MARSHAL: They're all in the room. I can take  
18 him to the general restroom.

19 THE COURT: What restroom is it?

20 MS. NGAI: If the jurors are in the room --

21 THE COURT: I think they are.

22 Are they all back?

23 THE COURTROOM DEPUTY: Yes, they are in the room.

24 THE COURT: All right. We will keep them there,  
25 yes.

Cambell - Cross- Guadagnino

1191

1 MS. NGAI: Thank you.

2 (Pause in proceedings.)

3 (Jury enters.)

4 THE COURT: We have all jurors present.

5 Please have a seat, everyone.

6 Mr. Guadagnino, if you would like to cross-examine  
7 this witness, you may.

8 MR. GAUDAGNINO: Thank you, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. GUADAGNINO:

11 Q Good afternoon, Mr. Campbell.

12 A Afternoon.

13 Q You stated on direct examination that you're also known  
14 as Phaze; is that right?

15 A Yes.

16 Q Okay. Now, yesterday you testified that you went to  
17 school in Paris?

18 A Yes.

19 Q What was that for?

20 A What did I go to school for?

21 Q Yes, sir.

22 A I wasn't in college. That was like a junior high school  
23 thing.

24 Q And what brought you to Paris? I mean, that's over the  
25 ocean.

Cambell - Cross- Guadagnino

1192

1 A Yeah. I was having issues with my family. And my mother  
2 felt like she couldn't handle me, being that she was a single  
3 mother.

4 Q Okay. So do you have family in Paris?

5 A Yeah.

6 Q And how long were you in Paris for?

7 A I was in Paris from about 2000 and -- like, late 2009 to  
8 2000 and -- like, going into late -- going into early 2011.

9 Q Okay. So, like, yesterday I think you testified that  
10 while you were going to school, some of the teachers would  
11 call you Phaze?

12 A That wasn't the teachers from Paris. That was like  
13 when -- basically before I went to Paris, when I was having  
14 issues over here.

15 Q Right. The teachers here in New York?

16 A Yes.

17 Q They called you Phaze because you were having phases?

18 A They didn't call me Phaze. I just, you know, stuck with  
19 that name. And people in the classroom used to call me Phaze.  
20 My teacher, Ms. Luggy ((phonetic)), used to say: You know,  
21 you're going through a lot of phases. And it's crazy that  
22 they started calling me Phaze, and it just stuck with me.

23 Q And did you have behavioral problems in school?

24 A Yes.

25 Q And did you get in trouble a lot?

Cambell - Cross- Guadagnino

1193

1 A Of course.

2 Q And did you get suspended a lot?

3 A Suspended from school? I was in special ed, so it was  
4 kind of hard to suspend me.

5 Q So when you were younger, you were diagnosed with certain  
6 mental disorders, right?

7 A Yes.

8 Q And you were prescribed psychiatric medicine, right?

9 A When I was younger, I was prescribed Dexedrine and  
10 Risperdal.

11 Q Right.

12 A Yes.

13 Q Were you having hallucinations?

14 A No.

15 Q What were you having?

16 A It was just attention deficit hyperactive disorder.

17 Q And did you feel sometimes that you wanted to get some  
18 attention from people?

19 A I mean, I was young. I think all kids, you know, that --  
20 I grew up without a father, so yeah, I would say that there's  
21 times where I would seek attention when I was a young kid,  
22 yeah.

23 Q Right. And you wanted to feel accepted, right, by the  
24 kids?

25 A Just by -- yeah, growing up, by the popular group, yeah.



Cambell - Cross- Guadagnino

1194

1 Q Right. And you said that you moved to Paris. I think  
2 your mother or your family sent you there?

3 A My grandmother actually paid for my ticket to go to  
4 Paris.

5 Q And who did you stay with in Paris?

6 A My dad.

7 Q Okay. Is he French?

8 A No, he's not French.

9 Q Okay. Was he there for any particular reason?

10 A He was there because he -- when I was around five, he  
11 left to go live with -- he went to go live with his mistress,  
12 who turned into his wife, like the lady who he cheated on my  
13 mother with.

14 Q Okay. And you stayed there with him for about two years?

15 A I wouldn't say about two years. I'd say on the ending of  
16 going -- the ending of 2009 -- I'd probably say like a little  
17 over a year.

18 Q A little over a year?

19 A Yeah.

20 Q Okay. And then you returned to New York?

21 A Yes.

22 Q And while you were in Paris, you weren't a member of any  
23 gangs there, right?

24 A No. I just was -- even in Paris I would wear like a red  
25 flag, but I wasn't officially any gang member yet.

Cambell - Cross- Guadagnino

1195

1 Q How old were you in Paris?

2 A In Paris, I was -- in 2000 -- I'm 27 now. So in 2009, I  
3 would be -- let me see, I'm not good at math.

4 THE COURT: You were born in 1997?

5 THE WITNESS: 1995.

6 THE COURT: '95. Sorry.

7 A So I would say 13. Around 13, 14.

8 Q And before you left for Paris, is that when you said that  
9 you joined the gang, you wore a red flag?

10 A Before I left to Paris, I didn't join the gang. Before I  
11 left, I was just around, like, people like my sister's -- my  
12 sister's baby father's friends, they were gang members. I  
13 didn't officially identify as a Blood member.

14 Q Okay. So your sister's baby's father's friends were gang  
15 members?

16 A Yes.

17 Q And is that what influenced you to join the gang or to  
18 associate with gang members?

19 A Growing up hard and being, like, jumped constantly kind  
20 of influenced me, and then being brought up around them. So  
21 everything played a part.

22 Q And I think you said, am I correct, you grew up in the  
23 Bushwick area of Brooklyn?

24 A Yes.

25 Q Near Maria Hernandez Park?

Cambell - Cross- Guadagnino

1196

1 A It was around the park, yes.

2 Q 83rd Precinct?

3 A 83rd, yeah.

4 Q Knickerbocker Avenue?

5 A Yeah.

6 Q And did you have a lot of run-ins with the 83?

7 A The 83rd Precinct, I had a couple run-ins with the 83rd.

8 Q Did you ever go to Casa Kiscaya ((phonetic))?

9 A Huh?

10 Q Casa Kiscaya.

11 A What is that?

12 Q A nightclub.

13 A You mean Casablanca?

14 Q Casablanca, where is it located at now?

15 A I don't know. I don't remember. I don't -- I've never  
16 been to Casablanca.

17 But when you say "Casa Kiscaya," that's the only,  
18 like, thing of "Casa" I know in Bushwick, so I just --

19 Q Is that on Knickerbocker Avenue?

20 A I wouldn't know.

21 Q Okay. Now, you testified that when you got back from  
22 Paris, you went back to Bean Town?

23 A I was back with my mother back in Bushwick.

24 Q They call it Bean Town because there are many Hispanic  
25 people that live in Bushwick, right?

Cambell - Cross- Guadagnino

1197

1 A Of course.

2 Q How old were you when you got back to Bushwick?

3 A When I got back to Bushwick, I would say like around 15,  
4 16, around that area. Like 15.

5 Q Okay. And at that time were you a member of a gang?

6 A At that time, no, not yet.

7 Q Okay. So when was it that you finally became a member of  
8 a gang?

9 A 2013, after I broke up with my ex in 2012.

10 Q And how old are you today?

11 A I'm 27 years old today.

12 Q So that was when you were 17?

13 A Huh?

14 Q You were 17 when you joined a gang?

15 A Around, like, yeah, 16, 17.

16 Q Okay. And do you like acting?

17 A Of course.

18 Q And can you tell the members of the jury, what kind of  
19 acting do you like?

20 A That's what I -- like, that's what I do as my profession.  
21 You know, I do comedy skits.

22 Q And just give them some examples of, like, the kind of  
23 comedy skits you do.

24 A Oh, like, on my Instagram?

25 Q Yeah.

Cambell - Cross- Guadagnino

1198

1 A Oh. I did a pretty funny coronavirus skit from back in  
2 2020, right before the mid- -- like, before the pandemic  
3 actually hit and it was really bad. This was when people were  
4 dying. People were, like, dying. So the numbers were going  
5 up.

6 It was a practical joke. I was on the train. Me  
7 and my friend, Wally, had wore a face mask. And I took food  
8 coloring, red food coloring, put it -- my friend put in his  
9 mouth, covered his mouth. Again, this is at the height of the  
10 pandemic, so everybody's kind of skeptical when you cough,  
11 like, you know what I'm saying? So sits down, I'm behind my  
12 camera man, he's recording one side. And nobody sees the  
13 camera man, he's recording.

14 And basically the plan was for him to cough. He did  
15 so. He fell on the floor when he coughed. And then I went to  
16 help him and say: Yo, bro, are you all right? And he had a  
17 white t-shirt. The plan was to cough on my t-shirt. He  
18 coughed on me, and the food -- red food coloring looks like  
19 blood. So he coughed on me. When he coughed on me, the whole  
20 train car ran left and right. Yeah.

21 Q So that was one of the skits that you did, right?

22 A Yes.

23 Q Pretend like he was, like, in trouble, that he was sick  
24 and he was vomiting blood, right?

25 A Yes.

Cambell - Cross- Guadagnino

1199

1 Q And it was to see whether or not somebody, a stranger on  
2 the train, would come by and help you guys, right?

3 A That was -- that was -- that was definitely the caption  
4 that I used.

5 Q Right. And you --

6 A I had to use that caption.

7 Q You think you did a good job acting in that skit? I  
8 mean, what's your critique of yourself in that skit?

9 A I'm an amazing actor.

10 Q Yes.

11 A Trust me.

12 Q And had you studied acting formally?

13 A No, no.

14 Q No?

15 A Mm-mm.

16 Q So where did you pick it up?

17 A I've just -- like, I've always been like a goofball  
18 comedian. So, you know, people always say, you know, he's a  
19 funny dude. So I have friends that were into, you know -- you  
20 know, in my Instagram, my friend, he does acting. So, you  
21 know, just comedy skits and plus acting, it just meshed  
22 together with my personality.

23 Q And I just want to reemphasize, you had an Instagram or  
24 you have an Instagram account?

25 A I have an Instagram.

Cambell - Cross- Guadagnino

1200

1 Q You have one now?

2 A Yes.

3 Q Okay. But are you on it now? Are you, like, able to  
4 like, put stuff on there and post onto it?

5 A Yeah.

6 Q From jail?

7 A Yeah.

8 Q Oh, so you have access to Instagram from jail?

9 A Yeah. Like, my manager, he definitely has access to it,  
10 yeah.

11 Q So does your manager post for you from his house or  
12 somewhere or you --

13 A He posts from his phone.

14 Q From his phone.

15 Do you come up with comedy in the jail?

16 A Nah. That's definitely not happening.

17 Q What kind of things do you post nowadays on Instagram?

18 A I post things like just free me, things about -- you know  
19 what I'm saying? Like --

20 Q No comedy though?

21 A No, no comedy.

22 Q No videos, right?

23 A No.

24 Q Because you can't take any videos because you're locked  
25 up right now.

Cambell - Cross- Guadagnino

1201

1 A No.

2 Q Right?

3 But you remember that there were some other videos  
4 you did, I think it was -- you remember the video about you  
5 fighting in the street with another guy? You remember that?  
6 And then you guys went into a pizzeria, and you were  
7 pretending to fight, and the pizza guy was there. You  
8 remember that?

9 A Yeah, that was a skit with -- that was a comedy skit.

10 Q Yeah.

11 And it looked real, like you guys were really  
12 fighting, right?

13 A No. We actually didn't touch each other. It was just  
14 like you would be a civilian. And what would happen is, I  
15 would come and, you know, be loud and you would get my -- I  
16 would get your attention. And then my friend would come out  
17 and you get his attention. We'll be screaming at each other.  
18 You're like -- and then we'll be acting. Like every time you  
19 try to move, we move left and you move right. And it's like  
20 no swinging occurs and things like that.

21 Q Did you guys practice that before you did it?

22 A No.

23 Q How did you do it? Like, it was just natural?

24 A Yes.

25 Q Really?



Cambell - Cross- Guadagnino

1202

1 A Yeah.

2 Q And do you feel like, you know, pretending comes natural  
3 to you?

4 A Pretending?

5 Q Like pretending, like acting.

6 A Acting, yes, of course.

7 Q Right. Like, when you act, you agree that's pretending?

8 A It's -- yeah.

9 Q Right. So you're pretending to fight, right?

10 A Yeah.

11 Q Okay. There was another time -- I don't know if you  
12 remember this one. Do you remember the time that you were  
13 outside the Metro PCS, you got out of your car, and you ran  
14 over to some doll that was flapping around in the wind?

15 A I wasn't even in the car.

16 Q Oh, you were outside the car?

17 A I wasn't in the car. We actually was on our way to the  
18 train station, walking.

19 Q Okay. And you were pretending like you were mad at the  
20 doll?

21 A Yeah. It was like, it's COVID -- the caption was me --  
22 it would be COVID kicking my ass in 2020. And then the doll  
23 is -- it would be me, and then I'm swinging at the doll and  
24 it's like -- yeah.

25 Q So you did that and you pretended to, like, fight with

Cambell - Cross- Guadagnino

1203

1 that, like, inflatable Metro PCS promotional, like, doll.

2 Remember?

3 A Yes.

4 Q The purple one.

5 A Yeah.

6 Q You like to make people laugh, right?

7 A Of course.

8 Q You like to joke around, right?

9 A Yes.

10 Q And are you taking care of your mental health problems  
11 today?

12 A Pretty well, yeah.

13 Q How are you doing that?

14 A I mean, the situation doesn't help. I'm okay though.

15 Q Are you taking medicine now?

16 A No.

17 Q Do you think you need it?

18 A No.

19 Q So you have it under control?

20 A Yeah, I've had it under control for years.

21 Q Okay. Because you did suffer from a lot of anxiety,  
22 right?

23 A Yeah, bad.

24 Q And how bad did it get?

25 A It was real bad. 2015, it was -- it was -- it was bad.

Cambell - Cross- Guadagnino

1204

1 I went to rehab.

2 Q I'm sorry to hear that.

3 How long were you in rehab for?

4 A I was in rehab for about a month and then I severed ties.  
5 I was in voluntary rehab. I volunteered. It wasn't  
6 court-mandated; I just volunteered to go into rehab because I  
7 just felt it was best for me.

8 And it didn't last a month. I just left. And I  
9 didn't even relapse. I didn't touch anything. I wanted to be  
10 around my family, so I just never finished.

11 Q What was going on with you that you felt you had to put  
12 yourself in rehab?

13 A I was taking too many Xanaxes and I had a seizure. But I  
14 stopped, and I -- I had a drug-induced seizure.

15 Q Did you go to the hospital?

16 A Yeah.

17 Q Which hospital?

18 A Woodhull hospital.

19 Q And what did they do for you there?

20 A They put me in -- I didn't know that when you go to  
21 psych -- when you go to places like Woodhull, they have the  
22 psychiatric unit. So when you complain about mental, like,  
23 anxiety, that's a -- it's a psychological issue; it's not a  
24 physical issue, like a -- you know what I'm saying? So like  
25 an injury. So they would put you in this -- under -- which is

Cambell - Cross- Guadagnino

1205

1 a CPEP -- CPEP, like, under watch for 24 hours, like, you know  
2 what I'm saying? I was in CPEP, which was a psychiatric area.

3 Q So you were put into the psychiatric ward for a few days?

4 A Not in a ward. I was in just intake.

5 Q Intake.

6 How long did you spend in psychiatric intake?

7 A 24 hours.

8 Q Okay. And where did you go after psychiatric intake?

9 A They released me to my house.

10 And they actually said: Nothing is wrong with you.  
11 You had an anxiety attack. We had to keep you over -- we had  
12 to keep you overnight because, you know, you were complaining  
13 about panic attacks and anxiety. And usually people that  
14 complain about these things have suicidal thoughts. We wanted  
15 to know if you were one of those individuals. Do you have  
16 suicidal thoughts?

17 I said no.

18 They said: Okay. We'll have the doctor discharge  
19 you.

20 And they discharged me.

21 Q Did they give you medicine back then?

22 A They had ordered -- what was it I started -- I went to  
23 the doctor that's there, they gave me Prozac.

24 Q For depression?

25 A Yeah.

Cambell - Cross- Guadagnino

1206

1 Q Do you feel depressed sometimes?

2 A No, not anymore.

3 Q Are you managing it?

4 A Way better than I would.

5 Q So you feel like you don't need any more medicine?

6 A Not at all.

7 Q Do you get any medicine where you're at now?

8 A No.

9 Q Do you see the doctor where you're at now?

10 A Yeah. I have chronic hypertension.

11 Q And you're taking care of that now?

12 A Yeah.

13 Q Okay. So I want to go back a little bit.

14 You testified over this morning and yesterday  
15 afternoon. I think you started off by saying something about,  
16 you took somebody's bandana one time. Do you remember that?

17 A Yes.

18 Q Who was that?

19 A I took some guy named Steven, Steven's bandana off his  
20 head.

21 Q Why did you do that?

22 A Because at the time I was just -- I wanted to be down.

23 Q Okay. Like, well, can you explain that? What does that  
24 mean, you wanted to be down?

25 A I wanted to be a part of the gang.

Cambell - Cross- Guadagnino

1207

1 Q So Steven had a bandana, right?

2 A Steven had a bandana.

3 He had an issue with someone named H that was --  
4 that's E.A.M. And he told -- he told Steven: Take the  
5 bandana off.

6 Steven said: No. If you feel some type of way, do  
7 something about it.

8 H looked at me, and H was kind of scared, he didn't  
9 want to do anything to the kid. So he said: Yo, take his  
10 bandana off his head, I'll give you paperwork.

11 So I did. I literally walked up to him, took it off  
12 his head and threw a flag at him. And I said: I want my  
13 paperwork.

14 Q Okay. Paperwork is what?

15 A Paperwork is like Blood -- like Blood paperwork, lingo,  
16 things like that.

17 Q Who told you to take the guy's bandana off? You did it  
18 on your own?

19 A H told me to take it off his head.

20 Q Okay. Who's H?

21 A H was a dude that was E.A.M.

22 Q But do you associate with him anymore?

23 A No.

24 Q That was -- how old were you when that happened?

25 A I don't remember.

Cambell - Cross- Guadagnino

1208

1 Q Were you 17, 18?

2 A I don't exactly remember the exact, like...

3 Q Was it ten years ago?

4 A Again, I don't remember.

5 Q Were you young?

6 A I was young.

7 Q Teenager? You're 27 --

8 A Teenager, yeah.

9 Q All right. So you also testified that you met a guy  
10 named Smilez later on, right?

11 Smilez was -- he's like -- he's your bro?

12 A Yeah.

13 Q He's a good guy for you, right? I mean, he's like one of  
14 your best friends?

15 A He wasn't one of my best friends, but we could relate to  
16 certain things as far as -- I hung out with a lot of people  
17 that wasn't gang members, so when I did, he probably was the  
18 only one that was in my type of world.

19 Q What kind of world was that?

20 A Partying, being around women, stuff like that.

21 Q So besides the videos, the acting, you're also a party  
22 promoter, right?

23 A I'm not a party promoter. I've taken, you know, gigs  
24 that was, like, you know, can you host this event for me? But  
25 I wouldn't consider myself a party promoter.

Cambell - Cross- Guadagnino

1209

1 Q When you say you hosted events, what kind of events would  
2 you host?

3 A I would host weed events.

4 Q Weed?

5 A Yes, weed events. Like, underground illegal weed events.

6 Q Okay. Did you do that with Smilez?

7 A No.

8 Q You did that on your own?

9 A No. I only hosted one event with Smilez.

10 Q But on your own you said that you would have events,  
11 right?

12 Right?

13 A Correct.

14 Q And they would be weed events, right?

15 A Yes.

16 Q And they would be parties that you would promote?

17 A Yeah. I would just, like -- no, not promote. I would  
18 host it.

19 Q You would host it?

20 A You have a -- you have a party promoter who just promotes  
21 the party. And then you have a host, which is on the -- when  
22 the party promoter promotes it, everybody comes, I'm hosting  
23 the party, I'm hosting it all night.

24 Q Okay.

25 A I have the mic. You know what I'm saying? I'm like:



Cambell - Cross- Guadagnino

1210

1 You know, everybody, you know, turn up.

2 THE COURT: You are like the emcee?

3 THE WITNESS: No.

4 THE COURT: No?

5 THE WITNESS: No.

6 THE COURT: What does it mean to host?

7 THE WITNESS: Host, just, you know, like, you know,  
8 like, there was, like, weed and booze over there, get some  
9 booze over there if you want, you know, get some drinks, have  
10 fun, hey, buddy, turn up, DJ turn the music on. It's like  
11 things like that. It's not rapping and stuff.

12 Q Who would get the weed?

13 A They were vendors, like they're just weed vendors.  
14 Again, these are -- I'm hired by, you know, people that --  
15 like DJs. Like, you know, one of them, for example, DJ Ace  
16 King, he would hire me to do a weed event.

17 And I would go. He would give me the location.  
18 Most of them are secret locations. When you get there,  
19 there's, you know, weed on the tables. You know, there's  
20 like -- it's not just -- it's, like, professional, like, bags  
21 of, like, sealed wrappers and pre-rolls and things of that  
22 nature.

23 Q You wouldn't supply the weed, right?

24 A Huh?

25 Q You would not supply the weed?

Cambell - Cross- Guadagnino

1211

1 A No.

2 Q Okay. And you'd make money off of those events?

3 A Yeah.

4 Q And that was for you?

5 A The money was for me?

6 Q Yeah.

7 A Yeah.

8 Q Okay. You also stated that you did some other crimes  
9 down the line.

10 Do you remember that you testified to that this  
11 morning?

12 A Yeah.

13 Q You testified -- I believe you testified that you did a  
14 robbery; is that right? You did a robbery with Joker?

15 A No, no, no. It actually was an assault with Joker.

16 I did a robbery with Corrupt.

17 Q And tell me a little more about the assault with Joker.

18 A The assault with Joker?

19 Q At the shelter.

20 A Yeah, at the shelter. It was more of a -- it was  
21 literally me, Kellz, not -- I don't believe Kellz was there.  
22 It would be me, Migos -- people that I remember: Me, Migos,  
23 Biggie, a dude named Shack and Corrupt. That's as far as I  
24 can remember. And we -- again, we went to the shelter, I did  
25 what the big bro told me to do and -- which is -- you know, we

Cambell - Cross- Guadagnino

1212

1 beat him up.

2 Q Who's the big bro?

3 A Joker.

4 Q Joker.

5 And what was that for? Why did you do that? Was  
6 that because you wanted to have fun doing that? Was there a  
7 reason for it?

8 A I did it because, you know, at the time it was just -- it  
9 was -- I was E.A.M. and, you know, I was influenced. And I  
10 really have no excuse or no reason. I just did it without  
11 thinking, just did it.

12 Q You just did it on your own because somebody told you to  
13 do it?

14 A Yeah.

15 Q Joker told you to do it?

16 A Joker said: Yo, pull up over here.

17 Q How does that help the gang?

18 A I mean, as I said, I was a calf in the big bull, so I  
19 mean, I don't think it would help the gang; it would just show  
20 my loyalty and how far I wanted to go for him.

21 Q I see.

22 And based on that, you did that, right?

23 A Yes.

24 Q You said that there was something -- you knew Chucky at  
25 the time; is that what you said?

Cambell - Cross- Guadagnino

1213

1 A At what time?

2 Q When you did the assault at the shelter.

3 A Did I know Chucky at the time? Yeah, I knew Chucky at  
4 the time.

5 Q Did he have anything to do with that?

6 A Who? Chucky?

7 Q Yeah.

8 A No.

9 Q Okay. Chucky never said to go to a shelter and do that,  
10 right?

11 A Chucky never told me to go to a shelter and do that, no.

12 Q There was another time, you said something about a kid  
13 coming from school, the driver said -- something about, let me  
14 get your phone, and then you guys starting beating up that  
15 poor kid with his phone?

16 A Yeah, my drops beat him up. Yeah.

17 Q Your drops?

18 A Yeah.

19 Q Those people are who? Who are these drops?

20 A Kellz, Corrupt, Ray -- I mean, Kellz, Corrupt, Migos.  
21 Yeah.

22 Q And these drops, what, do they work for you or something?

23 A They don't work for me; they just identify as Blood under  
24 me.

25 Q Right. You don't pay them anything?

Cambell - Cross- Guadagnino

1214

1 A No.

2 Q And they don't pay you anything?

3 A No.

4 Q Right?

5 So who made the decision to go beat up this kid with  
6 the cell phone?

7 A Well, they were -- they were drunk. They actually -- you  
8 know, as I said before when I testified, I said I could've  
9 stopped it, but I just didn't because it was -- you know, I  
10 just wanted to be entertained.

11 Q So you wanted to be entertained by watching these drunk  
12 guys beat up this kid with the phone?

13 A Yes.

14 Q Is that a gang thing?

15 A It's not about it being a gang thing. It's just a gang.  
16 You know, you got a couple shots of liquor in your system and  
17 you -- you know, you're with -- under the influence, you're  
18 with ignorance and -- you know what I'm saying? That's  
19 just -- that's how it happened.

20 Q So basically it was just out-of-the-blue, random  
21 violence?

22 A Literally.

23 Q Having nothing to do with any gang just because -- just  
24 because, right?

25 A Yeah.

Cambell - Cross- Guadagnino

1215

1 Q Okay. Fair enough.

2 How about this other time, there was a robbery of  
3 some innocent bystander with Nike sneakers that you guys beat  
4 up and robbed, what was that all about?

5 A That was on the -- you know, the -- along the -- again,  
6 just something that I had -- you know, I can't -- I'm not  
7 everybody's dad. I can't control what everybody wants to do.  
8 So they took it upon themselves to literally -- I'm literally  
9 watching all this, by the way. I'm not trying to shun down my  
10 role, like -- but I'm watching all this play out. Like I  
11 said, I could've stopped it, but I didn't.

12 Q And that had nothing to do with a gang?

13 A I mean, we were all a gang. I wouldn't say it had  
14 nothing to do with the gang. But my gang, we was -- my  
15 drops -- you know what I'm saying? They did what they did.

16 Q So how does that benefit the gang, what happened with the  
17 sneakers?

18 A The sneakers don't benefit the gang at all.

19 Q A pair of sneakers, what does that do for a gang? Does  
20 that make any money for a gang?

21 A No.

22 Q Does it create any kind of prestige, you beat up a kid  
23 with sneakers?

24 A Not at all.

25 Q Was that just stupidity?

Cambell - Cross- Guadagnino

1216

1 A Correct.

2 Q Just random violence, right?

3 A Correct.

4 Q So I want to ask you some more questions.

5 There was a video that the government showed you. I  
6 think it was Smooch getting head-butted by a guy named  
7 Buckwild; is that right?

8 A Yes.

9 Q I think it's Government Exhibit 1106-A.

10 MR. GAUDAGNINO: Can we get that, please?

11 Could we play it again?

12 MR. GALEOTTI: We're putting it up for you, sir.

13 MR. GAUDAGNINO: All right. Thank you so much.

14 (Video played.)

15 Q That's sad, isn't it?

16 A Yeah, I would think so. Yeah.

17 Q That poor guy standing there, small guy.

18 A Over there, like, poor guy listening to Smooch.

19 Understood he -- just like I got myself into a situation, he  
20 got himself into a situation.

21 Q He didn't deserve that.

22 A I would -- I mean, that would be believable, you know  
23 what I'm saying.

24 Q That was pretty nasty what Buckwild did.

25 A Yeah.

Cambell - Cross- Guadagnino

1217

1 Q And you were there.

2 A Yeah, I was recording.

3 Q Buckwild was there, right?

4 A Yes.

5 Q Who sent you to do that?

6 A That was me and Buckwild, and Bowser gave the green.

7 Q You, Buckwild, and Bowser gave the green.

8 Does that mean a green light?

9 A Yeah.

10 Q What was the -- what did you have to do with Smooch?

11 What did he have to do with that?

12 A He said -- in the video, he states that -- oh, he said:

13 What you jacking?

14 And I asked him: You ape?

15 And he says: Why you saying this? It's an ape  
16 world.

17 He tried to explain himself to everybody. He posted  
18 on Facebook that it's an ape world.

19 So I seen it. I asked Buckwild about it. Buckwild  
20 seen it. He said: We about to go holler at him.

21 And that's `what we did.

22 Q What's "ape"?

23 A "Ape" is a whole other nation.

24 Q Ape is a whole other nation?

25 A Yeah.



Cambell - Cross- Guadagnino

1218

1 Q And so that was, like, disrespectful?

2 A I would say yeah.

3 Q So based on that disrespect to the E.A.M., you acted on  
4 it?

5 A Yeah.

6 Q Who told you to act on it?

7 A It was more of a decision that was being made. Nobody  
8 really told us.

9 Q Who made the decision?

10 A Me and Buckwild.

11 Q What did Smothers have to do with that?

12 A I mean, I didn't speak to Smothers that day.

13 Q So you guys did that on your own?

14 A Yeah.

15 Q So let me ask you another question.

16 You had told everybody today that you've used a gun  
17 in the Bronx robbery; is that right?

18 A Yes.

19 Q And I think you said you had a .25 caliber pistol; is  
20 that right?

21 A Well --

22 Q Point-two-five.

23 A I had a Hi-Point.

24 And he had a -- one of the other individuals I was  
25 with had a two-point -- a two-five, a 2.5 (sic) caliber

Cambell - Cross- Guadagnino

1219

1 pistol, I think.

2 Q Okay. So tell us again a little bit about that robbery.

3 That was in the Bronx, right?

4 A Yes.

5 Q So what happened?

6 A Well, again, we were driving, me, Corrupt, his uncle and  
7 Kellz. Kellz had, you know, his two, he passed it over to  
8 Corrupt. I had a Hi-Point. The Hi-Point had no clip in it.  
9 Again, when, you know, things were occurring and we got to the  
10 block, you know, I approached the individual. When I  
11 approached the individual, he seen that I had -- I had surgeon  
12 gloves on. And he kind of like tried to drift away, but  
13 Corrupt was like: You got any weed?

14 So when he said that, he -- when Corrupt said you  
15 got any weed, he turned around and tried to go in the  
16 building, and I backed out a gun and I said: Yo, give me  
17 everything.

18 Q So how much did you steal from him?

19 A Well, I would say we probably stole like about ten dimes  
20 of weed and like \$100, something like that, yeah.

21 Q \$100?

22 A Ten dimes of weed and \$100. That's what that block was  
23 pumping, yeah.

24 Q I'm sorry, how much weed?

25 A Ten dimes of weed and \$100.

Cambell - Cross- Guadagnino

1220

1 Q What's the street value of ten dimes of weed?

2 A Like \$100.

3 Q \$100?

4 A Yeah.

5 Q And why did you do that? Why did you rob this guy?

6 A Well, we figured he had more money because his --

7 Corrupt's uncle stated that he -- they were dope boys.

8 Q So who came up with that plan, to rob the guy, Corrupt?

9 A No, no. His uncle -- that -- the original plan was to  
10 rob some Jamaicans, but -- you know what I'm saying?

11 Q What happened with that plan?

12 A That plan was more like it didn't work out. Because as I  
13 said, he said he knocked on the door and he wasn't -- they  
14 weren't there. The plan was to knock on the door and rush the  
15 apartment.

16 Q So let me ask you this question: Had you robbed the  
17 Jamaicans, what were you looking for? Marijuana?

18 A Yeah.

19 Q How much marijuana were you hoping to get?

20 A Pounds.

21 Q Pounds.

22 A Mm-hm.

23 Q How many?

24 A 5 to 10 pounds.

25 Q What would that be worth?

Cambell - Cross- Guadagnino

1221

1 A I'm not really a -- I'm not really big on the street  
2 prices, but probably approximately, like -- I would say  
3 probably like close to like about 5, 10 -- like about \$15,000.

4 Q And how were you guys going to split the money?

5 A We would've definitely figured it out when we -- on a  
6 breakdown, how we would have gotten it.

7 Q How would split the -- like, who was going to get the  
8 money out of that?

9 A Everybody that was a part of it.

10 Q Like who?

11 A Me, Corrupt, his uncle and Kellz.

12 Q So three ways you were going to split the money?

13 A No, it's four people.

14 Q Four people.

15 A Me, Corrupt, his uncle and Kellz.

16 Q So four people were going to split the money.

17 A Yeah.

18 Q Right?

19 And who came up with that plan?

20 A His uncle.

21 Q Did anybody tell you that -- to do that? Did anybody  
22 tell you to go rob or try to rob the Jamaicans?

23 A No.

24 Q That was for you guys?

25 A Yeah.

Cambell - Cross- Guadagnino

1222

1 Q Okay. Because you wanted to make some money, right?

2 A Yeah.

3 Q And that robbery never came through, so then you did this  
4 other robbery for \$100, right?

5 A Yeah.

6 Q And ten dime bags of weed?

7 A Yeah.

8 Q And who kept all of that?

9 A Me and Kellz split it.

10 Q Oh, so you guys split the money?

11 A Yeah, me and Kellz.

12 Q Did Chuck tell you to do that?

13 A No.

14 Q Did you kick up any money to him?

15 A No.

16 Q So there were some other things that you said that you  
17 did.

18 You said that, I think, Smooch sold weed and crack,  
19 right?

20 A Yeah.

21 Q And did you sell weed and crack?

22 A No.

23 Q What did you sell?

24 A I sold, like, pills here and there, like a little bit of  
25 weed if I had it.

Cambell - Cross- Guadagnino

1223

1 Q And who -- like, how much would you make from that?

2 A Like, probably like the most, \$200.

3 Q And what did you do with the money when you made that?

4 A I would sit there -- most of it, a lot of it went to, you  
5 know, a big portion of it went to my moms.

6 Q Right. Because your mom, she's -- I think she's  
7 disabled; is that right?

8 A No.

9 Q Well, does she work?

10 A No.

11 Q Are you -- like, do you help her?

12 A Yeah.

13 Q And do you help her financially?

14 A When I could.

15 Q Does she get public assistance?

16 A Yeah.

17 MS. NGAI: Objection.

18 MR. GALEOTTI: Objection.

19 THE COURT: Sustained. Disregard. Irrelevant.

20 Q So you help your mom financially?

21 A Yes.

22 Q And whenever you can get money, you give it to her,  
23 right?

24 A Yes.

25 Q Do you have other family members that you help?

Cambell - Cross- Guadagnino

1224

1 A Nah. Just my mom.

2 Q How many brothers and sisters do you have?

3 A I have two sisters in America. I have a sister, a  
4 younger sister, in France and a younger brother in France.

5 Q Do you have any children?

6 A No.

7 Q Okay. Do you help your siblings at all financially?

8 A Only my mom.

9 Q Only your mom.

10 And when you're not incarcerated, is that who you  
11 live with, your mom?

12 A Yeah.

13 MS. NGAI: Objection.

14 THE COURT: Sustained.

15 MR. GAUDAGNINO: Okay.

16 Q So then I think you testified that you committed some  
17 insurance fraud, right?

18 A Yes.

19 Q And you stage fake car accidents, right?

20 A Yes, sir.

21 Q Okay. Now, when you commit these car accidents, you  
22 said -- I think you said that you -- how many did you do, six?

23 A I did about -- I did two that I was involved in and about  
24 four, yeah.

25 Q So two that you were involved in.

Cambell - Cross- Guadagnino

1225

1 Four that you were involved in or not involved it?

2 A Four that I got money for bringing -- you know what I'm  
3 saying? I don't stage them myself; I just bring passengers  
4 into the car and the Mexicans that I dealt with staged them.

5 Q So let's talk about some of those. All right?

6 A Mm-hm.

7 Q You came up with the idea to commit insurance fraud?

8 A I didn't come up with the idea. It was brought to me.

9 Q Who brought it to you?

10 A One of my friends.

11 Q Who is your friend that brought it to you?

12 A My friend, Stacks.

13 Q Stacks?

14 A Mm-hm.

15 Q And what was the plan? What was that plan for, the  
16 insurance fraud? Who was it going to benefit?

17 A It wasn't really a plan.

18 He came to me and said: Do you want to make any  
19 extra money?

20 I said yeah.

21 He said: You know, let's be a part of this.

22 It wasn't really like something, like, me and him  
23 came up with, like, let's stage accidents. Like, I didn't  
24 even know. I just wanted to be a part of -- before I really  
25 got deep into it, I just wanted to be -- get a lawsuit.



Cambell - Cross- Guadagnino

1226

1 Q So you wanted to make some good money for yourself.

2 A Yeah.

3 Q Right?

4 And I think you testified that you made like  
5 \$50,000, right?

6 A The second check I got -- well, it cleared, but I already  
7 got indicted and I admitted to insurance fraud.

8 Q Did you get 50,000?

9 A I didn't get 50,000 in my hand.

10 The ten, I got.

11 Q What did you do with the ten grand?

12 A The ten grand, I literally bought furniture, I paid my  
13 mom's -- I paid for food in the house. I bought furniture. I  
14 bought my mom a TV. I bought a PlayStation. Just I added  
15 furniture in the crib. There was no furniture in my house.

16 Q So you blew the whole 10,000 on that?

17 A Yeah.

18 Q Okay. Now, say you would've gotten the 50,000, what were  
19 you planning on doing with the fifty?

20 MS. NGAI: Objection.

21 THE COURT: Sustained.

22 Q Well, you tried -- you said, I think, you were going to  
23 get 50,000; is that right?

24 A That's what the settlement -- when I was in jail, I was  
25 on the phone, that the lawyer reached out to me and said that

Cambell - Cross- Guadagnino

1227

1 a \$50,000 settlement had settled. And then he wanted my  
2 mother to come pick up the check. And my mother refused after  
3 I told her that I was cooperating with government and I had  
4 already informed the government about the money.

5 Q Okay. Understandable.

6 Now, the plan to commit insurance fraud, that was  
7 somebody who brought it to you, right? Your friend, right?

8 A Yes.

9 Q And how much of that did you give Chucky?

10 A What do you mean? Out of 10,000?

11 Q Yeah.

12 A I didn't give Chucky anything.

13 Q Okay. Gotcha.

14 You said that during this insurance fraud scheme,  
15 you would pretend -- was it -- you would pretend to be in a  
16 car accident or you would get hit by a car? How did it work?  
17 Explain it to the jury.

18 A Well, you would basically get into a car.

19 I would approach you and say: Do you want to be  
20 part of an accident, a lawsuit?

21 You would say yeah, if you're interested. And I  
22 would either tell you, you need four passengers or I'll get  
23 four passengers. And I would tell you to get a -- do you have  
24 a car with New York license plates? If you had a car with  
25 New York license plates, I would tell you, you know, I would

Cambell - Cross- Guadagnino

1228

1 drive you to a lot.

2 The Mexican guy I was dealing with would put a black  
3 bag over the glass in the back window so that we're driving  
4 and we're driving -- well, I don't drive, but when the Mexican  
5 is driving, he's driving and he goes in front of an innocent  
6 bystander on the highway and he short-stops. When he  
7 short-stops -- in New York, a No-Fault case, you automatically  
8 are at no fault when you get hit from the rear end, so we  
9 short-stopped. The car just hit us, boom.

10 And we would do a switch. That's what the black bag  
11 is for, switch -- everybody switch positions. So the  
12 Mexican -- there's a car that would be following us, way ahead  
13 of us, and then pull over on the side after he sees the crash.  
14 The Mexican that was driving would get out, run towards the  
15 other car, drive down. And then it will be an individual that  
16 has a license to hop in the driver's seat. And then I would  
17 rip the bag off and then tuck it in my pants.

18 Q How did you learn how to do that?

19 A It was just told to me how to -- you know, how to -- it  
20 was told to me how to, like, do it while we were -- you know  
21 what I'm saying?

22 Q You learned that on your own?

23 A I didn't learn it on my own. It was told to me. It was  
24 translated through -- I don't know how to speak Spanish, so  
25 the Mexican translated to my homeboy, Stacks. And then Stacks

Cambell - Cross- Guadagnino

1229

1 translated it back to me, like: Yo, bro, this is what we need  
2 you to do.

3 I said okay.

4 Q Okay. And you did that, you said, about six times?

5 A I wasn't in the car.

6 Q Right.

7 A Only two times was my lawsuit where I was in the car, I  
8 was a part of the car accident.

9 The four other times were people that I just got to  
10 do, and I just got paid for bringing them in and I went about  
11 my day.

12 Q And then you testified that on some of those you got  
13 hurt, right?

14 A Yeah.

15 Q And you got hurt to the point where you were recommended  
16 to have surgery, but it wasn't necessary.

17 A I was recommended by a doctor to have surgery, yes.

18 Q But you said it wasn't necessary?

19 A Yeah. Like, it wasn't, like, oh, you need it. He didn't  
20 let me know, like, you need to have surgery.

21 Q When you go and have surgery, you're aware of the risks,  
22 you know, anesthesia, right?

23 A Yeah.

24 Q They have to put you to sleep.

25 It could be dangerous, right?

Cambell - Cross- Guadagnino

1230

1 A Yeah.

2 Q And you have to go into an operating room, right?

3 A Yes.

4 Q And, you know, surgery is surgery, right?

5 A Yeah.

6 Q Were you able -- how did you talk yourself into risking  
7 the possibility of something bad happening to you in surgery  
8 to get the money?

9 A I have a lot of tattoos. I'm not scared of needles.

10 Q But you agree that surgery is a risky proposition, right?

11 A Yeah.

12 Q Were you willing to put yourself in that risk for the  
13 money?

14 A Yeah.

15 Q Why?

16 A At the time, my mother was struggling and I needed the  
17 money.

18 Q So you would go that far to help your family?

19 A My mother.

20 Q Well, your mom?

21 A Yeah.

22 Q Having risky surgery?

23 A Yeah.

24 Q And then that was the first time it was -- I think it was  
25 the knee.

Cambell - Cross- Guadagnino

1231

1                   How many times did you have surgery?

2     A     I had knee surgery twice.

3     Q     Okay. So again, the second time, you also didn't have to  
4     really have the surgery, right?

5     A     Yeah.

6     Q     But you decided that you would take the risk of going  
7     under the knife with anesthesia to get money, right?

8     A     Mm-hm.

9     Q     Even though you knew that it was dangerous?

10    A     Yeah.

11    Q     And then I think you testified that you went to -- did  
12    you go, like, for seven months to, like, this fake therapy  
13    place?

14    A     It wasn't a fake therapy place, but they were corrupt.  
15    She was in on it. The manager was in on it.

16    Q     So what did you have to do at the therapy place?

17    A     I had to get acupuncture. I had to go -- I had a driver  
18    that picked me up from the house, took me there, dropped me  
19    back off at the house.

20    Q     Did you really need it or no?

21    A     No.

22    Q     But you submitted yourself to acupuncture for seven  
23    months?

24    A     Yeah.

25    Q     All because you wanted to make some money?

Cambell - Cross- Guadagnino

1232

1 A Yeah.

2 Q So you were willing to sacrifice your time, your effort  
3 and getting acupuncture for seven months to make more money,  
4 right?

5 A Yeah.

6 Q Even though it wasn't really necessary?

7 A No.

8 Q There was another thing that you said.

9 You did some credit card fraud?

10 A A little bit here and there.

11 Q Bitcoins?

12 A Mm-hm.

13 Q Cryptocurrency?

14 A Yeah.

15 Q And how much did you make on that?

16 A Probably a few thousand dollars, nothing crazy.

17 Q What did you do with that money?

18 A I would like -- I paid my mom's light bill. They was  
19 going to take the meter. I paid the light bill.

20 Q You paid the light bill?

21 A Yeah.

22 Q How much did you give to Chucky?

23 A Huh?

24 Q How much did you give to Chucky?

25 A Out of the credit card fraud?

Cambell - Cross- Guadagnino

1233

1 Q Yeah.

2 A I didn't give Chucky anything out of the credit card  
3 fraud.

4 Q I wanted to ask you some questions.

5 You were asked about some photographs that are in  
6 evidence. I'm going to show you -- I think the one is  
7 Government Exhibit 1222-D.

8 MR. GAUDAGNINO: If I can get Government  
9 Exhibit 1222-D.

10 (Continued on the next page.)

11

12

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25



CAMPBELL - CROSS - GUADAGNINO

1234

1 (Continuing.)

2 THE COURT: Can you see it?

3 THE WITNESS: Yeah.

4 CROSS EXAMINATION

5 BY MR. GUADAGNINO:

6 Q Now, you see what's up on the screen? 1222-D?

7 A Yeah.

8 Q All right. Now, you're taking this picture, right?

9 A I don't remember if I took that picture.

10 Q Well, you're not in the picture, right?

11 A No.

12 Q But you see Charles in the picture, you see Chuck in  
13 there, right?

14 A I see who in the picture?

15 Q Chuck.

16 A Yeah.

17 Q Do you know who else is in the photograph?

18 A Yeah, D-wade, the speechless girl, I don't know -- oh,  
19 Kia.

20 Q Who else?

21 A Kia, Speechless, and D-wade.

22 Q Any of those people up here on the board?

23 A No.

24 MR. GUADAGNINO: Can I get

25 Government Exhibit 1222-E, please.

CAMPBELL - CROSS - GUADAGNINO

1235

1 Q Do you see that one?

2 A Yeah.

3 MR. GUADAGNINO: Is it possible to blow it up a  
4 little bit, please?

5 MS. WISSEL: The entire thing or?

6 MR. GUADAGNINO: Just the photograph. Maybe if we  
7 can get the white part around it out, make it bigger, if it's  
8 possible.

9 Q There's a lot of people there.

10 A Mh-hmm.

11 Q And I notice that some people are drinking; is that  
12 right?

13 A Yeah.

14 Q And I think they're drinking Cognac; is that right?

15 A Yeah.

16 Q Who is in that picture?

17 A Me, Chucky, Buck is in that picture but he's just not in  
18 plain view of that picture, but he was in that picture.

19 Q But do you see him in that picture right now?

20 A No.

21 Q You're talking about Buckwild?

22 A No, I'm talking about Buck, Joshua Cooper.

23 Q Oh. This would be Buck right here? I'm looking at  
24 Government Exhibit 13.

25 A Yes.

CAMPBELL - CROSS - GUADAGNINO

1236

1 Q Is he deceased?

2 A Yeah.

3 Q Was he alive back then during this picture?

4 A Yeah.

5 Q When did he die?

6 A I believe -- I wasn't at home for it but I believe around  
7 November of 2021.

8 Q Okay. Was it a Covid death or you don't know?

9 A I don't know anything about it.

10 Q Okay. Now, let me ask you this question: You said he's  
11 in that photograph -- he was there but he's not in that  
12 photograph?

13 A Yeah, he's not visible in this -- in this photograph  
14 right here.

15 Q But you're in the photograph, right?

16 A Yeah.

17 Q And Chucky is standing next to you right under your right  
18 armpit, right?

19 A Yeah.

20 Q Is there anybody else from that poster in that picture?

21 A Chuck, Suicide and Bless. What did you say?

22 Q Do you see the people up here?

23 A Oh, no, there's not nobody there from the picture.

24 Q Okay.

25 MR. GUADAGNINO: Thank you. You can pull down the

CAMPBELL - CROSS - GUADAGNINO

1237

1 photograph.

2 Q And I know that you testified today and you said that  
3 Chuck had told you if you wanted to go up to the jail in  
4 Attica; isn't that right?

5 A Yeah.

6 Q You remember that, right? Do you remember?

7 A Yeah.

8 Q You said you're six-foot-four, right?

9 A Yeah.

10 Q And Chuck is shorter than you?

11 A Mh-hmm.

12 Q But I think you did say you're afraid of him and he's  
13 intimidating?

14 A Yeah.

15 Q Okay. Do you remember, I think it's in evidence as  
16 Government Exhibit 1204?

17 MR. GUADAGNINO: If we can get from column 13 to 21,  
18 please.

19 MR. GALEOTTI: For the record, this is 1204-A.

20 MR. GUADAGNINO: Yes, 1204-A, thank you, and from 13  
21 to 21, if it's possible -- actually, we'll start with 13.

22 Q So I just want to -- I want to reiterate something,  
23 Mr. Campbell. You're scared of this man, you're afraid of  
24 Chuck, right? Right? You're scared of him. Even though  
25 you're much bigger of him because of his stature and his

CAMPBELL - CROSS - GUADAGNINO

1238

1 position and all of those other things, he's an intimidating  
2 person to him.

3 A Yeah.

4 Q Okay, let's look at this conversation. You said this was  
5 when he said he wanted you to go up to Attica to go visit  
6 somebody, right?

7 A Mh-hmm.

8 Q All right. So you get a text message from Chuck and he  
9 says to you: You still going to take that ride with bro,  
10 right?

11 A With the bro.

12 Q With the bro, right?

13 A Yeah.

14 Q You said, I'm staying in the crib, I totally forgot -- I  
15 totally forgot that it was today that you asked me if I wanted  
16 to ride with the homie, I'm dumb tired, okay?

17 MR. GUADAGNINO: If we can get down to the next  
18 line.

19 Q Line 16 -- or 15, you say: But you really need me to go,  
20 bro, because if you need me to go, I'll go. And then line 16:  
21 That's only if it's mandatory that you want me to go, and then  
22 line 17: I think he says: Why the fuck you hang up with me  
23 to text me. You hung up on him, right?

24 A Yeah.

25 Q Okay. And then if we go down to the next line, 18, it

CAMPBELL - CROSS - GUADAGNINO

1239

1 says: Go to bed, homie. He's telling you to go to bed,  
2 right?

3 A Yeah.

4 Q Because you're tired, right?

5 A Mh-hmm.

6 Q And then he says no rips in your jeans because when you  
7 go visit somebody in jail, if you have rips in your jeans, you  
8 can't get in, right?

9 A No.

10 Q Why would that be?

11 A The jail's clothing policy.

12 Q Because it's the policy, right?

13 A Yeah.

14 Q You can't show up to visit people who are inmates with  
15 ripped jeans, right?

16 A Or just anything that like expose -- expose churr.

17 Q Right, exactly, that's a dress code, right? And then if  
18 we can go to line 20. You said that Chuck -- it's from you,  
19 you said: Shut up I'm on my way, getting in a cab?

20 A Yeah.

21 Q And then line 21, his name and did --

22 A Yeah.

23 Q I just want to ask you a question. This guy is supposed  
24 to be this Godfather, this guy that everybody fears, you hang  
25 up the phone on him, right, you tell him to shut up?

CAMPBELL - CROSS - GUADAGNINO

1240

1 A Mh-hmm.

2 Q Really? I mean --

3 A I mean -- excuse me, that was somebody I considered a big  
4 brother at the time. Me telling him to shut up, he knew that  
5 wasn't serious. But look, when he said -- when I say I don't,  
6 if it's mandatory, you noticed he obviously -- E had didn't  
7 felt I said I'll be on my way because I just felt a reason --  
8 he doesn't say like drew it's okay it's not mandatory docket  
9 take a right with the bro. Obviously in the a conversation I  
10 had with him I just felt like it was necessary.

11 Q What I'm saying is you told him to shut up?

12 A Yeah.

13 Q You hung up the phone on him?

14 A Mh-hmm.

15 Q And this is a man who is intimidating you, who you're  
16 afraid of and you're worried he's going to do something to  
17 you?

18 A Mh-hmm.

19 Q But you're pretty much treating him like anyone else.

20 A I wouldn't say treating him like anyone else but  
21 definitely intimidating.

22 Q You talk to the Godfather in that way?

23 A Yeah.

24 Q Really?

25 A In a way in a sense -- like I said, I wasn't serious in

CAMPBELL - CROSS - GUADAGNINO

1241

1 that shut up, I'm on my way, with a straight face getting in a  
2 cab.

3 Q Okay, fair enough. There was one time when he asked you  
4 if you wanted to buy a pound of marijuana to sell, right?

5 A Mh-hmm.

6 Q And you said nah, I'm not going to buy it?

7 A He didn't want me to buy it.

8 Q Oh, he wanted you to sell is for him on consignment?

9 A He said if you wanted to make some money, here, sell  
10 this. I was like, I don't have the money, and he's like you  
11 can pay me back.

12 Q And you said, nah, you don't want it?

13 A Yeah.

14 Q You he didn't force you to do it, right?

15 A No.

16 Q He didn't say you have to do this or else, right?

17 A No.

18 Q Okay. Now, I want to talk to you a little bit --

19 MR. GUADAGNINO: We can take that down, thank you.

20 Q Out of all the times that you committed your crimes and  
21 made money, how many times did you ever give Chuck money?

22 A I gave -- I gave Chuck money, there was a time where  
23 he -- I got into a situation at Pianos Bar. And when I got  
24 into this situation, I forgot that I gave my ID, when I had  
25 the assault and I was, like, I would say a detective -- a



CAMPBELL - CROSS - GUADAGNINO

1242

1 detective called my phone, like, about a week later saying I  
2 had to turn myself in. I had never been in trouble with law  
3 enforcement. So the detective said is this Andrew Campbell?  
4 I said yeah. He said, listen, I got that video, you were at  
5 Pianos Bar, you had a fight, individual, you know, they're  
6 pressing charges, you need to turn yourself in. I said no  
7 problem, can you at least give me a couple of days. I wanted  
8 to get some money so I could bail out. He said I will give  
9 you a couple of days, don't worry about it. He said I'll give  
10 you a week, that's what he said.

11 Do you remember the insurance fraud that I was  
12 talking about?

13 Q Yeah.

14 A There's a loan company that deals with lawsuits and stuff  
15 called Oasis Financial.

16 Q They advanced you the money?

17 A They advanced me a little bit of money, about \$1,500. I  
18 had asked him -- I was -- at this time, I love my mother to  
19 death but you can't really trust her with finances, so I  
20 gave -- I told him hey, yo I'm about to turn myself in. I  
21 just need you to hold this money just in case you I have to  
22 bail out if they do hit me with a bail, but I do want to turn  
23 myself in.

24 I waited a week, I turned myself in on the third  
25 day. He said -- he said come in, detectives said he's going

CAMPBELL - CROSS - GUADAGNINO

1243

1 to come in, we're going to let you out with a DAT. He said  
2 cool. I gave him \$1,500 to hold for me which he did. I wrote  
3 his number on a piece of paper and a couple other numbers on a  
4 piece of paper and I went and turned myself in. They put me  
5 in a room, gave me a DAT and let me out from the precinct. I  
6 went back to Chucky's house, or that place, that area, that  
7 house, and gave me the \$1,500 back. When he said, yo, let me  
8 get \$200 and I'm like for what and he said so I could send it  
9 to one of the homies up north.

10 Q So you basically lent him \$200 or you gave him \$200?

11 A I gave him \$200.

12 Q Did you expect him to pay you back?

13 A No.

14 Q You gave it to him for the favor you did for him?

15 A Yeah.

16 Q Which was to hold onto money you may have needed to bail  
17 out of a situation, right?

18 A Yeah, he even offered to add more money on top of it if  
19 they needed more.

20 Q If they needed money to help you out, right?

21 A Mh-hmm.

22 Q So that's the only time you ever gave him money out of a  
23 criminal activity?

24 A Yeah, I've never given him any money.

25 Q Okay. Now, I want to ask you some questions about

CAMPBELL - CROSS - GUADAGNINO

1244

1 July 24, 2018. That's the reason you're here by the way,  
2 right?

3 A The text message.

4 Q Yeah. So before we get into that, we talked about  
5 Smilez, right?

6 A Mh-hmm.

7 Q Remember, Smilez, I believe you said he was -- he was  
8 tight with you, right?

9 A Yeah.

10 Q And you and him got along very well, right?

11 A Yeah.

12 Q And you would talk to him a lot, right, prior to  
13 July 24, 2018, you guys would have a lot of conversations,  
14 right?

15 A Yeah, we would talk a lot.

16 Q All right. So the problem that you had was that text  
17 message conversation about Fresh, right?

18 A Yup.

19 Q That's exactly why you're here, right?

20 A Mh-hmm.

21 Q And you remember what that texting was all about, right?

22 A Yeah.

23 Q You were texting Smilez?

24 A Yeah.

25 Q You sent him a picture?

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1245

1 A Yes, sir.

2 Q It was a picture of Fresh?

3 A Yeah.

4 Q And you even asked Smilez if that was Fresh in the  
5 picture?

6 A Yeah.

7 Q You said you would keep your eyes open for Fresh?

8 A I said -- no. I said exactly that; I'm letting you know  
9 right now, I'll spread the word but I'm just letting you know  
10 that I spread the word not only that he got -- to get  
11 spanked -- not only that he got to get smoked but he had to  
12 go.

13 Q Right, that he had to go?

14 A Yeah.

15 Q Not just get hurt but he had to go?

16 A Yeah.

17 Q Then Smilez told you, Phaze, don't bring this up over the  
18 phone, right?

19 A No iPhone shit.

20 Q Right. And you responded to him that would be the last  
21 time you would bring it up over the phone, right?

22 A Yeah.

23 Q You didn't want anybody to know what you guys were  
24 talking about?

25 A No.

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1246

1 Q But you knew it was about him wanting to kill Fresh,  
2 right?

3 A Yeah.

4 THE COURT: "Him" being?

5 MR. GUADAGNINO: I'm sorry, Your Honor.

6 Q Smilez wanted to kill Fresh, right?

7 A Yes, sir, yes, sir.

8 Q And Smilez told you that he wanted to talk to you in  
9 person not over the phone anymore, right?

10 A Smilez told me he wanted to talk to me in person not over  
11 the phone, right.

12 Q Yeah. And do you remember that what happened was that  
13 Fresh, he got shot?

14 A He --

15 Q Right?

16 A The funny thing is about that, when he got shot, I really  
17 honestly didn't know he got shot until the day I got arrested  
18 for the crime.

19 Q So Smilez never told you what he did to Fresh?

20 A He never told me what he did to Fresh. All I got was a  
21 text that said DOA. I remember him telling me, that's why I  
22 was so shocked when I got indicted.

23 Q What's DOA? Okay?

24 A Yeah.

25 Q But did he send you a text some time in the end of July

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1247

1 DOA? When did he send you that text, DOA?

2 A I don't exactly remember.

3 Q Okay, fair enough. So you -- did you continue talking to  
4 Smilez but he never told you that he'd shot Fresh, right --

5 A Yeah. That conversation was more like -- it was that  
6 day, I was playing Call of Duty that day. I text him back  
7 through my phone and later on, texted Kellz and told him, hey,  
8 yo, bro, if you see this dude, let me know and, like, what  
9 happened? And I'm like I don't even know but just let me know  
10 and he's like all right.

11 Q Now, after Fresh got shot --

12 A Yeah.

13 Q -- sometime in July 2018, you never knew that Smilez shot  
14 Fresh, right?

15 A No.

16 Q Not until you got arrested for that --

17 A Two years later.

18 Q It was June 23rd, 2020, right?

19 A Yeah.

20 Q That's when you got locked up for this, right?

21 A Yeah.

22 Q At the 75 Precinct?

23 A Well, they picked me up and brought me to the 75.

24 Q Right. But between that time when you got locked up and  
25 before, you still kept on communicating with Smilez, right?

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1248

1 A Yeah.

2 Q But he never told you that he shot Fresh?

3 A He never voiced, like, I shot Fresh, no.

4 Q But you guys still remained friends, right?

5 A Yeah.

6 Q And you guys talked. Tell the jury what kinds of things  
7 would you do?

8 A We would party together, we even messed with the same  
9 women.

10 Q So Fresh got shot July 28, 2018, right?

11 A I don't know exactly when he got shot.

12 Q Let me ask you this question: You were hanging out with  
13 Smilez in 2019, right?

14 A I was hanging out with Smilez in 2017, 2018, 2019, yeah.

15 Q Okay. So, like, right before the pandemic, you guys were  
16 hanging out and you said you would share the same women?

17 A He got -- first of all, listen, Smilez got grabbed way  
18 before the pandemic. He got -- he got arrested for whatever  
19 he got arrested for in --

20 Q October 2019?

21 A October 2019, yeah.

22 Q Right. But between October 2019 when he got locked up  
23 for this case, for the case -- I'm talking about the attempted  
24 murder of Fresh --

25 A Yeah.

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1249

1 Q -- and between the time that you texted with him about  
2 Fresh, you guys would hang out, right?

3 A I'm sorry, can you repeat that?

4 Q Sure. Let me break it down for you. There was a time  
5 when you texted Fresh -- I'm sorry, you texted Smilez about  
6 Fresh; do you remember that?

7 A That was in 2018, yeah.

8 Q Yeah, that was 2018?

9 A Yeah.

10 Q And now I'm going to go forward in time to October 2019,  
11 right?

12 A Uhmm.

13 Q That's when he got locked up for shooting Fresh, right?

14 A Correct.

15 Q So between the time you texted about Fresh and the time  
16 that he got locked up about Fresh, you guys with hang out and  
17 party?

18 A Yeah.

19 Q Tell the jury what kinds of things you did together.

20 A Yeah, we just -- like, we were -- we would just hang out,  
21 literally hang out. Me and him. When I hung out with Smilez  
22 he was probably the only one on that board when I say -- and  
23 besides him and Kellz was the only ones on that board that I  
24 felt like when I got around them it wasn't always about E.A.M.

25 Q So what kind of things would you guys talk about, you and



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1250

1 Smilez?

2 A Women, you know he had a business selling bundles of  
3 weave, you know what I'm saying, hair.

4 MR. GUADAGNINO: Told him I'll promote his crap and  
5 he promotes my crap at his parties you know what I'm saying he  
6 even helped me get a gig with him. Actually, I was supposed  
7 to show up at the gig that he got arrested for, but I never  
8 showed up. I told him I didn't want to go.

9 Q And did you consider him like a brother?

10 A I considered him like an older brother for him, right.

11 Q Because he's older than you, right?

12 A Yeah.

13 Q And --

14 A He was more diplomatic.

15 Q Your more like the wild one, right?

16 A No, out of him, Chucky, Bowser, he's the one I could come  
17 to, like, bro, can you holler -- I need to holler at you and  
18 just have a conversation with.

19 Q So you felt like you guys could really talk about stuff,  
20 right?

21 A Yeah.

22 Q Like you trusted him, right?

23 A Yeah.

24 Q Like right now you would trust him, right?

25 A I would say so. I mean --

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1251

1 Q You miss him?

2 A Yeah, like, of course.

3 Q Do you talk to him every now and then?

4 A No, I don't talk to him.

5 Q You don't talk to him. Do you get messages to each other  
6 now and then, like can you say I love you? I miss you?

7 A I haven't spoken to him -- I haven't spoken to him  
8 directly, like, in years, I haven't spoken to him directly.

9 Q Did he get a message out to you about a got that he sends  
10 his love.

11 A He got a message out to me through an individual that he  
12 was locked up with that I was locked up with. He was on the  
13 phone with him and I was on lock and when they hung up, I said  
14 yo, what's up. He said Smilez sends his love and I said tell  
15 him I send mine.

16 Q And you mentioned that one day when you were in a van,  
17 you mentioned that to an FBI agent that Smilez reached out to  
18 you and sent his love, right?

19 A I mentioned it to the prosecution.

20 Q So you mentioned it to a prosecutor, right?

21 A Yeah.

22 Q Smilez reached out to you and sends his love; right?

23 A Yeah.

24 Q And that was only about a month ago?

25 A He didn't reach out to me a month ago, though. He

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1252

1 reached out to me, like -- I forgot -- the dude that told me,  
2 his name was Africa, he was -- he was on another trial case,  
3 he -- that happened in 2020, like, probably, like, the ending  
4 of 2021.

5 Q So you said Smilez reached out to you at the end of 2021?

6 A Around the end of 2021.

7 Q And that's when he was locked up, right, for the  
8 attempted murder of Fresh at that time, right?

9 A I would think so.

10 Q Right. And you were locked up, too, because you got  
11 locked up on June 23rd, 2020?

12 A I got locked up June 23rd, 2020 on conspiracy.

13 Q Right. So you were already locked up for a year and a  
14 half, from June 2020 until the end of 2021, December?

15 A Yeah, yeah.

16 Q And that's when you guys got a message to each other?

17 A We didn't get a message to each other. He relayed a  
18 message to me through someone else. There wasn't no response.  
19 We didn't have a conversation.

20 Q Okay, I got you. I want to talk to you a little bit  
21 about when you were brought into the precinct. You -- I  
22 believe you went to court sometime in federal court June 2020;  
23 do you remember that, before you got locked up, right?

24 A I went to court in --

25 Q Yeah.

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1253

1 A No, June 2020 -- you mean I went to a federal court bail  
2 hearing?

3 Q Yes. Oh, that was in 2019?

4 A Yeah. It was Corbett's bail hearing.

5 Q Okay, so you went there?

6 A Yes.

7 Q I see. And then you were brought to the precinct on  
8 June 23rd, 2020, right?

9 A Yeah.

10 Q And while you were at the precinct on June 23rd, 2020,  
11 that's when the FBI and the NYPD started asking you questions  
12 about that text message between you and Smilez, right? Do you  
13 remember that?

14 A Asking me questions --

15 Q Let me take you back.

16 A Yeah.

17 Q Do you remember going to the 75 precinct?

18 A Yes.

19 Q You know where that is? In East New York?

20 A Yes.

21 Q Do you remember you were wearing a tank top T-shirt?

22 A I was wearing a tank top T-shirt, my Adidas -- my Adidas  
23 shorts and my zebra Yeezys.

24 Q Your hairstyle today, how would you characterize your  
25 hairstyle today?

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1254

1 A Dreadlocks.

2 Q Do you remember back then, you didn't have dreadlocks?

3 Your hairstyle is very similar to what is in evidence as

4 Government Exhibit 4.

5 A I had waves.

6 Q Right? You had waves, right. Do you remember that you

7 went into the precinct into a little interview room? It was

8 white?

9 A Yeah, Mh-hmm.

10 Q And it had a table, right? Do you remember that?

11 A Yeah.

12 Q And you sat down at that table?

13 A Yeah.

14 Q Do you remember that?

15 A Yes.

16 Q And do you remember that you met an FBI agent, remember?

17 A Yes.

18 Q Okay. And you also met a police detective, an NYPD

19 detective?

20 A Yes.

21 Q Okay? And do you remember that they started showing

22 you -- well, first of all, they read you your rights, you

23 remember that, right?

24 A They read me my rights?

25 Q Yeah, you have a right to remain silent.

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1255

1 A Yeah.

2 Q Anything you say could be used against you in a court of  
3 law?

4 A I don't remember that.

5 Q All right. Well, do you remember that they read from a  
6 piece of paper?

7 A Do I remember that they read from a piece of paper? No,  
8 I don't remember that.

9 Q Okay. Well, do you remember that after they read you  
10 your rights, you started having a conversation with them? Do  
11 you remember that?

12 A I remember having a conversation with them.

13 Q Do you remember that they told you about that they knew  
14 about that statement, they knew about the text messaging  
15 between and you Smilez about Fresh?

16 A They knew about a text message that was --

17 Q They knew about the particular text messages between you,  
18 Phaze, and Smilez, remember?

19 A They didn't say Smilez. They just said we know that this  
20 is a text message between you and somebody.

21 Q Right. And it had to do with what he just talked about,  
22 you know, you keeping an eye out for Fresh, that he's got to  
23 go, not just get hurt, right?

24 A Yeah.

25 Q So at that point, you pretty much knew you were in huge

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1256

1 trouble?

2 A Yeah.

3 Q Right? Because let's face it, up until then, you never  
4 had a federal case?

5 A I've never had any case beside a marijuana and assault  
6 case.

7 Q And you agree the trouble you're in now is way worse than  
8 any of that prior trouble that you've had?

9 A It's the biggest trouble I've ever been in.

10 Q In your life?

11 A Yeah.

12 Q Right. And you went in and you spoke about the text  
13 messages with the detectives, right?

14 A Yeah.

15 Q I had a question. Do you remember that you were speaking  
16 to the FBI agent and the detective, this was June 23rd, 2020.  
17 Do you remember?

18 A Yes.

19 Q And you remember that Smilez got locked up on October 9,  
20 2020?

21 A I don't -- I don't remember exactly when he got locked  
22 up, but that's around the accurate time I would say that he  
23 got locked up.

24 Q Right, October 9, 2020 -- no, I'm sorry, October 9, 2019,  
25 he got locked up?

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1257

1 A I would say, yeah, October 19.

2 Q Let's do the math. October 2019, right, November 2019,  
3 December 2019, that's three months, right?

4 A Mh-hmm.

5 Q January 2020, February 2020, March 2020, right,  
6 April 2020, okay? May 2020, we're almost there, that's eight  
7 months and June 2020, nine months later, you get locked up for  
8 this, right?

9 A Mh-hmm.

10 Q Okay. The day you got locked up, you told the FBI that  
11 you knew Smilez was already cooperating with them because you  
12 told them that you had a conversation with him and that he  
13 wasn't going to take anymore time for people -- he wasn't  
14 going to do anymore time for people because those people never  
15 paid him.

16 A I told him that?

17 Q Yes, you told him?

18 A That, I don't remember.

19 Q You don't remember?

20 A I do not remember that.

21 Q You don't remember that you told him that?

22 A I do not remember telling him that.

23 Q You don't remember?

24 A I do not remember at all.

25 Q Would a video of your interview with the FBI refresh your



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1258

1 recollection?

2 A Yeah.

3 MS. NGAI: Do you want to sidebar?

4 THE COURT: Let's give the jurors a break. Please  
5 don't talk about the breaks. Notebooks face down. Thank you  
6 for your attention.

7 (Jury exits the courtroom.)

8 THE COURT: Sir, you can take a break, as well.

9 THE WITNESS: Out.

10 (The witness steps down.)

11 THE COURT: All right. I'll hear from you.

12 MS. NGAI: Your Honor, I mean, I think the  
13 government has been more than accommodating with showing  
14 exhibits for the government's witnesses. I think it's another  
15 thing for us to have to play the video, stop the video for  
16 defense on cross-examination, and as well as the fact that he  
17 can't really refresh the witness while the jury is present  
18 with the video through our --

19 THE COURT: Right. But we can block their view of  
20 the video.

21 MR. GALEOTTI: I guess the question is, is it audio?

22 MS. NGAI: It's audio.

23 MR. GUADAGNINO: It's a recording audio interview of  
24 the witness -- I wasn't provided with a report and the only  
25 way I can refresh his recollection is by showing him the

CAMPBELL - CROSS - GUADAGNINO

1259

1 portion of the interview where he made that statement. And  
2 I'd be more than happy to do it outside the presence of the  
3 jury so he can look at it and then see if his recollection is  
4 refreshed and then I can continue my questioning after  
5 depending on what he says and the jury can come back.

6 THE COURT: So there was not a 302 for his?

7 MS. NGAI: There was.

8 MR. GUADAGNINO: There's a 302 but there's not  
9 reports. All I got is a video.

10 MS. NGAI: It's a 302 and attaches the actual  
11 recording.

12 THE COURT: Okay.

13 MS. NGAI: So it's not as if we needed to  
14 re-summarize.

15 THE COURT: All right. So you have the recording  
16 Mr. ?

17 MR. GUADAGNINO: I go have the recording,  
18 Your Honor.

19 THE COURT: Well, I guess technically he doesn't  
20 know how to play it.

21 MR. GALEOTTI: We'll play the recording, Your Honor,  
22 we just didn't want it to be playing while the jury is here  
23 especially admitting the recording. So we don't have an  
24 objection to --

25 THE COURT: Right. Well, the jury is not here no so

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1260

1 do you want the witness to come back and see it and hear it?  
2 Is he in the restroom or can he come back? You can bring him  
3 back, sure.

4 (The witness resumes the stand.)

5 THE COURT: We did authorize the paralegal and  
6 associate to help you so.

7 MR. GUADAGNINO: Your Honor, I can definitely -- I  
8 can work to play it from my end if that's what the Court --

9 THE COURT: Well, I just think it borders on being  
10 petty. Maybe --

11 MR. GALEOTTI: Let's just play it.

12 THE COURT: Yeah, let's just play it.

13 MR. GALEOTTI: A separate concern, Your Honor,  
14 not -- just so we don't have the jury go back out here.

15 THE COURT: Well, Mr. Campbell is here. I just want  
16 to explain what happens.

17 They're going to play a video to see if it refreshes  
18 your recollection about certain things they're questioning you  
19 about it, all right, sir?

20 THE WITNESS: Okay.

21 THE COURT: They'll show you a video.

22 Is the other issue something you want to talk about  
23 now or outside the presence of Mr. Campbell?

24 MR. GALEOTTI: Maybe we should have Mr. Campbell  
25 step out just so we don't have to have the jury step out

CAMPBELL - CROSS - GUADAGNINO

1261

1 again.

2 THE COURT: All right. Can we first play the video  
3 for him and see if it refreshes. If not -- well --

4 MR. GALEOTTI: So it can be if front of the witness,  
5 Your Honor. So, essentially, counsel can try to refresh him  
6 but he can't admit the statement any way because there's  
7 double -- he's asking him about the statements of a second  
8 person, so there's double hearsay. So whether he's refreshed  
9 or not, he can't ask Mr. Campbell to admit the statements of  
10 some other person who is not here.

11 MR. GUADAGNINO: It's his -- I'm sorry, it's his  
12 statement acknowledging that he had a conversation at that  
13 time with Smilez about him cooperating.

14 MR. GALEOTTI: Right, that's precisely double  
15 hearsay.

16 MR. GUADAGNINO: I'm not offering for the truth of  
17 the matter asserted, it's offered for impeachment.

18 MS. NGAI: Impeachment of what?

19 MR. GUADAGNINO: If he -- maybe the witness  
20 shouldn't be here for this, but --

21 THE COURT: All right. So can we show him the video  
22 first now that we've put him back in the seat? Then he'll  
23 tell you whether it refreshes his recollection and then we'll  
24 ask him to step out, then we can hear from you about what you  
25 want to do about that.

CAMPBELL - CROSS - GUADAGNINO

1262

1 MR. GUADAGNINO: Okay.

2 THE COURT: All right.

3 So, they're going to show you a video.

4 (Video played.)

5 THE COURT: Okay. So you're showing him 3500-AC-48

6 at 17:33.

7 MR. GUADAGNINO: Yes, we can play it, thank you.

8 (Video played.)

9 MR. GALEOTTI: So for -- may I, Your Honor.

10 THE COURT: Do you want me to ask Mr. Campbell to

11 step out?

12 MR. GALEOTTI: Yes, please.

13 MS. NGAI: Yes, please.

14 THE COURT: All right, sir. Thank you.

15 (The witness steps down.)

16 THE COURT: Yes.

17 MR. GALEOTTI: Where is this suggestion of money on

18 that video that counsel read in, in his question?

19 MR. GUADAGNINO: Your Honor, the question was --

20 that I asked him is if he told the FBI if he had known that

21 Mr. Warren was cooperating and that the statement that was

22 made was something about that he's complying or cooperating

23 with the feds because he's not taking the fall again for

24 anyone because -- and from what I understood because it's not

25 that audible was being he wasn't being compensated. That's

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1263

1 what the understanding I have was.

2 I can rephrase the question as to whether or not you  
3 told the officers that you knew that Mr. Warren had been  
4 cooperating at that time with the Federal Government.

5 THE COURT: All right. Without the reference to  
6 compensation and I'll strike or tell the jury to disregard  
7 your last question.

8 MR. GUADAGNINO: Yes. I don't know what he's going  
9 to say, if he's going to admit it or -- but this is just to  
10 refresh his recollection.

11 THE COURT: Well, you're not going to ask the  
12 question so he's not going to admit when you don't ask him.

13 MR. GALEOTTI: Your Honor.

14 THE COURT: Yes.

15 MR. SIEGEL: Even as rephrased, asking what did you  
16 tell the FBI is asking for hearsay because he's asking for an  
17 out of court statement. If he's using it to impeach him, the  
18 first question should be, at the time you were arrested, did  
19 you know Smilez was cooperating.

20 If he says yes, then there's no need for the  
21 statement. If he says no, then he can try to impeach him with  
22 a prior statement, but he can't just cut to the, did you say  
23 this the past, because that's's not impeaching anything. He  
24 hasn't denied he knew that Smilez was cooperating.

25 MR. GUADAGNINO: Fair enough.

CAMPBELL - CROSS - GUADAGNINO

1264

1 THE COURT: All right. Can you follow that  
2 procedure, Mr. Guadagnino?

3 MR. GUADAGNINO: Yes. I'll ask him at that time he  
4 got arrested if he knew that Mr. Warren was cooperating with  
5 the feds, I can ask him that, right?

6 THE COURT: Yes, all right. And if he denies it,  
7 I'll ask him isn't it true that you told the detectives or the  
8 agents that you knew that Mr. Warren was cooperating with the  
9 Federal Government at that time?

10 MR. GALEOTTI: In the video, he says he heard which,  
11 again, is another layer of hearsay. I guess if you wanted to  
12 impeach him by saying, did you hear at the time, that would be  
13 the appropriate impeachment question.

14 MR. GUADAGNINO: That's fine. That's fine. I'll  
15 ask him if he heard that Mr. Warren was cooperating.

16 THE COURT: All right. Well, you're still asking  
17 him to affirm whether he -- affirm hearsay, but if the  
18 government is fine with that formulation, it's fine.

19 MR. SIEGEL: I think probably the most  
20 straightforward way -- as I understand Mr. Guadagnino, he's  
21 trying to get to some kind of bias or some kind of -- so, did  
22 you have an understanding of whether Mr. Warren was  
23 cooperating. It allows him to ask it and not asking for  
24 hearsay. It's asking what he knew and understood.

25 THE COURT: Yes, you're not asking him what he heard

CAMPBELL - CROSS - GUADAGNINO

1265

1 but rather what he understood.

2 MR. GUADAGNINO: Okay. So I will ask him if at that  
3 time he got arrested and he was speaking with the agents, if  
4 he understood -- if he understood at that time whether  
5 Mr. Warren was cooperating with the FBI or the -- however you  
6 want me to --

7 THE COURT: Did he have an understanding as to  
8 whether or not Mr. Warren was cooperating with the government,  
9 should be adequate.

10 MR. GUADAGNINO: Yeah. Did he have an understanding  
11 as to whether Mr. Warren was cooperating with the government.  
12 Okay. I'll ask him that, Your Honor.

13 THE COURT: Yeah, I don't like questions that are  
14 phrased as though they are fact, so I think that will take  
15 care of it.

16 MR. GUADAGNINO: Okay.

17 THE COURT: So, does Mr. Smothers need a break,  
18 otherwise, I'll bring the jury back and the witness back.

19 MR. GUADAGNINO: No.

20 THE COURT: All right. Look, I think the  
21 government, to the extent they're doing you many courtesies,  
22 Mr. Guadagnino.

23 MR. GUADAGNINO: Yes.

24 THE COURT: Playing videos and you're sort of giving  
25 them commands without even a please or thank you, common



CAMPBELL - CROSS - GUADAGNINO

1266

1 courtesy, but you do have a whole team at your table, they do  
2 have the same discovery and you can ask your team to pull up  
3 information. I'm not saying I'm going to preclude you from  
4 asking them, but that's why I authorized extra help for you,  
5 sir, so please use it.

6 MR. GUADAGNINO: And I appreciate it. Yes, and I'm  
7 very appreciative and thank you.

8 THE COURT: Think we should not abandon civility,  
9 ever.

10 MR. GUADAGNINO: Thank you, Your Honor.

11 THE COURT: All right. We'll bring Mr. Campbell  
12 back, we'll bring the jury back, all right.

13 MR. GALEOTTI: And Your Honor is going to strike the  
14 last question?

15 THE COURT: Yes.

16 MR. GALEOTTI: Thank you.

17 THE COURT: I don't know if that was the last  
18 question.

19 MS. NGAI: Can we have a read back of the last  
20 question.

21 THE COURT: I think he can hear the read back,  
22 right?

23 (Whereupon, the record was read.)

24 MS. NGAI: Your Honor, may we please have the last  
25 question stricken.

CAMPBELL - CROSS - GUADAGNINO

1267

1 THE COURT: Yes, of course.

2 (Jury enters the courtroom.)

3 THE COURT: All jurors are present. Please have a  
4 seat.

5 Members of the jury, I instruct you to disregard the  
6 last question. As I told you at the beginning, lawyer's  
7 questions are not evidence. That question is stricken from  
8 the record. Just hit the erase button and we'll proceed.

9 Go ahead, Mr. Guadagnino.

10 MR. GUADAGNINO: Okay. Thank you, Your Honor.

11 BY MR. GUADAGNINO: (Continuing)

12 Q Before the break, I was asking you about your interview  
13 with the FBI at the 75 precinct; do you remember that?

14 A Yeah.

15 Q Okay. And I asked you about you were being -- you were  
16 answering questions about why you were there, correct?

17 A Yeah.

18 Q Okay. After -- do you remember we talked about you knew  
19 Smilez got arrested in October 2019?

20 A Around, yeah.

21 Q And about nine months later, you got arrested in June of  
22 2020, you remember?

23 A Yeah.

24 (Continued on the following page.)

25

CAMPBELL - CROSS - GUADAGNINO

1268

1 CROSS-EXAMINATION

2 BY MR. GUADAGNINO: (Continuing)

3 Q At the time you got arrested and were talking to the FBI,  
4 my question is this: Did you have an understanding, when you  
5 were talking to the FBI, that Smilez was already cooperating  
6 with the FBI?

7 A Did I have an understanding? I had that in my head that  
8 he was, but I didn't, like, no for sure.

9 Q But you had -- you thought that he was?

10 A Yeah.

11 Q Okay. Now, at that point, you pretty much knew that you  
12 were going to get charged with having something to do with the  
13 shooting of Fresh?

14 A Yeah.

15 Q Correct?

16 And you knew that at that time if you thought that  
17 Smilez was cooperating and you had something to do with him  
18 shooting Fresh, you were going to get in trouble?

19 A I was already in trouble.

20 Q Well, you knew that Smilez --

21 A Before I got indicted, before I got arrested, I didn't  
22 know my laws. That's why when I got -- you can see in the  
23 video I was in distress.

24 THE COURT: Okay. Sir, the video is not in  
25 evidence, so don't talk about it. All right, sir?

CAMPBELL - CROSS - GUADAGNINO

1269

1 THE WITNESS: No problem.

2 THE COURT: Answer the question.

3 THE WITNESS: I was in distress. I was in distress  
4 at that time.

5 Q Let me ask you a question. So I know that you suffer  
6 from anxiety.

7 A Yeah.

8 Q And you were suffering from anxiety when you got  
9 arrested?

10 A Yeah.

11 Q You needed to have a cigarette to calm down?

12 A Yeah.

13 Q Right?

14 And they provided a cigarette to you?

15 A Yeah.

16 Q Did the detectives provide a cigarette for you?

17 A Yes.

18 Q You were very nervous?

19 A Yes.

20 Q You didn't know how bad you really had it until they  
21 told?

22 A Not at all.

23 Q Then you saw your worst nightmare, that you were going to  
24 get locked up on a federal charge for your friend Smilez  
25 shooting Fresh and paralyzing him from the neck down?

CAMPBELL - CROSS - GUADAGNINO

1270

1 A Again, I didn't even know that he -- I still don't know  
2 if he shot him.

3 At the same time this conversation stems from me  
4 having a conversation with him and then Fresh being shot.

5 Remember, you asked me did Smilez ever tell me that  
6 he shoot him. He never told me that. So, even now, to this  
7 day that I'm sitting in front of you, I can, you know, think  
8 that he did. I don't know officially if he shot that man. I  
9 don't know.

10 Q Let me ask you this question: If you didn't know or  
11 think that Smilez shot him, why, when the police were talking  
12 to you in June of 2020, did you have an understanding that he  
13 was cooperating or you thought you had an understanding that  
14 he was cooperating with the Federal Government?

15 A Because Bowser had sent me a screen shot about -- I think  
16 it was October.

17 You said October 19th he was arrested?

18 Q He was arrested when? What was your understanding that  
19 he was arrested?

20 A On October, I don't know exactly when.

21 Q October 2019?

22 A Okay. October 2019, he was arrested. I got a screen  
23 shot sent to me around December of him getting released from  
24 Rikers Island and in the custody of the U.S. Marshals, Bowser  
25 spell said, Yo, yo, your man is ratting.

CAMPBELL - CROSS - GUADAGNINO

1271

1 Q Based on that, you already had an understanding you  
2 thought that Smilez was cooperating?

3 A And even with that screen shot, I'm like what does that  
4 mean? It says released to the U.S. Marshals. He said he's in  
5 the Feds. We tried to look him up, he's not nowhere to be  
6 found.

7 Q And you put two and two together and you figured this got  
8 to be because of Fresh?

9 A No. Listen, before he got locked -- remember, he got  
10 locked up on a state violation, or on a parole. He was on the  
11 run from parole. When he was on the run from parole, he was  
12 on Rikers Island. When he was on Rikers Island, the Feds came  
13 to pick him up. For what? I do not know at the time.

14 To be honest, I don't know what he -- you know, I --  
15 in my mind, I'm like yeah, he cooperated. I want to believe  
16 it, but I don't know for sure.

17 Q You don't know for sure?

18 A I don't know for sure if he cooperated. I don't know for  
19 sure if he cooperated. I don't.

20 Q But you had it in your head that he may have been  
21 cooperating in June of 2020 when you got locked up in this  
22 case?

23 A I had it in my head, yes.

24 Q And the reason is because Bowser sent you the picture?

25 A Yes.

CAMPBELL - CROSS - GUADAGNINO

1272

1 Q He sent you the picture of Smilez being taken out by the  
2 federal marshals?

3 A It said released to the U.S. Marshals.

4 Q Then when you had your conversations the 75th Precinct  
5 with the Feds about the shooting of Fresh, that's when you  
6 started to put two and two together?

7 A That's when I figured like oh, okay.

8 Q Right. So at that point, you're like my buddy's going to  
9 dime me out because I had a conversation with him about the  
10 same thing that I'm thinking I'm in trouble for?

11 A When I read it, I even asked, okay, what does that mean?  
12 How did I get grabbed on a conspiracy charge? They explaining  
13 to me it's the agreement of, so, which means once I sent the  
14 text back and I said okay, copy, bro, it was just the  
15 agreement that got me grabbed by the Feds, the fact that I  
16 conspired.

17 He hit me up about somebody, the individual that got  
18 shot, and I agreed; it was the agreement to spread the word.

19 Q Right. And you participated in that; right?

20 A Yes, I did.

21 Q Chuck had nothing to do with that?

22 A With the shooting of Fresh?

23 Q Right.

24 A No.

25 Q Okay. So, then, based on that and you being arrested,

CAMPBELL - CROSS - GUADAGNINO

1273

1 you yourself wanted to cooperate; right?

2 A Yes.

3 Q Okay. And that's when you entered into your cooperation  
4 agreement; right?

5 A Yes.

6 Q And I think you testified earlier today what your  
7 cooperation agreement says; right?

8 A Yes.

9 Q Remember the cooperation agreement that's in evidence?

10 A I would believe so.

11 Q Okay. You pled guilty to three different charges. Do  
12 you remember that?

13 A On the info, but altogether I pled guilty to four.

14 Q You pled guilty to four?

15 A Yeah. Information was three. Regular charge was  
16 conspiracy, which is the fourth one.

17 Q You pled guilty by way of a cooperation agreement. Do  
18 you remember?

19 A Yes.

20 Q And do you remember what your cooperation agreement said?

21 A I don't remember the exact like word for word, like.

22 Q Do you remember pleading guilty on December 11, 2020?

23 A Yes.

24 Q You pled guilty to a murder conspiracy?

25 A Yes.



CAMPBELL - CROSS - GUADAGNINO

1274

1 Q And you pled guilty because between July 21, 2018 and  
2 July 28, 2018 you sent those text messages to Smilez?

3 A Yes.

4 Q You admitted that you trafficked in drugs?

5 A Yes.

6 Q And you said that you carried a gun while you trafficked  
7 in drugs; correct?

8 A Yeah.

9 Q You never saw Chuck with a gun, did you?

10 A I've never seen Chuck with a gun.

11 Q Never.

12 And you said what you did during the time that you  
13 pled guilty, right? You told the judge what you did to plead  
14 guilty -- to be guilty; right?

15 A Yeah.

16 Q And you know that as part of your cooperation agreement,  
17 for the one charge, you can get up to ten years in prison?

18 A Yeah.

19 Q Right?

20 That's a lot of time.

21 A Somebody like me, yeah.

22 Q What do you mean somebody like you?

23 A There's people that feel like that's not really that much  
24 time.

25 Q Some people act like it's nothing; right?

CAMPBELL - CROSS - GUADAGNINO

1275

1 A Yeah.

2 Q What does that mean to you?

3 A It's a....

4 Q What?

5 A I'm just not a jail person. That's not me.

6 Q When you say you're not a jail person, how do you feel  
7 about that?

8 A Well, just -- you know what I'm saying. I don't  
9 really -- jail is...you understand, I went from being born to  
10 getting locked up for the first time behind bars in an actual  
11 jail at 24 years old. Usually people come up juvenile,  
12 county. You know what I am saying. State. Probably then  
13 fed.

14 I went from not being in trouble, ROR, to central  
15 booking, to the street, federal custody, MDC. So it's like my  
16 world shifted upside down. I lost everything.

17 Q You're in a nightmare right now?

18 A Yeah, pretty much.

19 Q This is your nightmare?

20 A Uh-hum.

21 Q You need to get out to go take care of your mother?

22 A Yep.

23 Q You can't be stuck here this long; right?

24 A Nah.

25 Q You can't have this?

CAMPBELL - CROSS - GUADAGNINO

1276

1 A No.

2 Q You also pled guilty to another crime, right? You pled  
3 guilty to a racketeering conspiracy; right?

4 A Yes, sir.

5 Q You know for that you can get up to 20 years?

6 A Yeah.

7 Q How does that make you feel?

8 A Stressed out.

9 Q 20 years you could get; right?

10 THE COURT: You don't need to ask -- he has asked  
11 and answered it. All right.

12 MR. GUADAGNINO: Thank you, Your Honor.

13 Q Now you also pled guilty to using a firearm?

14 A Yeah.

15 Q And the unlawful use of a firearm?

16 A Uh-hum.

17 Q What could you get? What's the top charge for that?

18 A Life.

19 Q How does that make you feel?

20 A Like shit.

21 Q Now, you testified also that your plea is going to cover  
22 the different times that you defrauded insurance companies;  
23 right?

24 A Huh?

25 Q Your plea is also going to cover you not getting

CAMPBELL - CROSS - GUADAGNINO

1277

1 prosecuted for defrauding insurance companies?

2 A I think that's probably the only thing I could -- the  
3 judge could hold against me at sentencing, but I told her.

4 Q The judge is going to take that into consideration?

5 A Yeah.

6 Q The scheme that you participated in to defraud insurance  
7 companies; right?

8 A Yeah.

9 Q And the scheme that you took -- that took place where you  
10 staged the car accidents; right?

11 A Yeah.

12 Q And where you made two false statements under oath, you  
13 remember that?

14 A Yeah.

15 Q Let's go into that.

16 So you remember you went to an attorney's office to  
17 have a deposition; right?

18 A Yeah.

19 Q And at the deposition there was a stenographer, a court  
20 reporter just like the lady who is sitting in front of you?

21 A Correct.

22 Q Taking down information; right?

23 A Correct.

24 Q Because you knew that you were going to go there and you  
25 were required to tell the truth; right?

CAMPBELL - CROSS - GUADAGNINO

1278

1 A Correct.

2 Q You knew that telling the truth was important because if  
3 not, you could be perjuring yourself; right?

4 A Correct.

5 Q Do you know what perjury is?

6 A I don't know exactly the meaning, but I know it's a  
7 crime.

8 Q So it's a crime to lie under oath, right?

9 And before you gave your statement, which was all  
10 lies about the insurance scheme --

11 A Yeah.

12 Q -- you were sworn in; right?

13 A Yes.

14 Q Tell the jury how you were sworn in, if you remember.

15 A I was sworn in, just like I was sworn in here, raise your  
16 right hand and you swear to tell the truth.

17 Q And you swore that you were going to do that; right?

18 A Yes.

19 Q But you knew from the get-go that that was not true, you  
20 were not going to be honest?

21 A Correct.

22 Q Because you wanted to help yourself; right?

23 A Correct.

24 Q But you didn't want to help yourself in a good way but in  
25 a bad way; right?

CAMPBELL - CROSS - GUADAGNINO

1279

1 A Correct.

2 Q Because you wanted to steal money, right?

3 A Correct.

4 Q You wanted to steal money from the insurance companies;  
5 right?

6 A Correct.

7 Q And the way that you wanted to steal the money was by  
8 also committing another lie, which was a fake car accident;  
9 right?

10 A Correct.

11 Q And the other way that you wanted to steal money was in  
12 the engaging in unnecessary surgery to make your award a lot  
13 higher; right?

14 A Correct.

15 Q And you would risk your own health and safety in surgery  
16 going under the knife to achieve that; right?

17 A Correct.

18 Q And even knowing all of that, you were still willing to  
19 go ahead and lie under oath?

20 A Right.

21 Q Because it was good for you because you wanted that  
22 money; right?

23 A Correct.

24 Q And then you sat down at that deposition; right?

25 A Correct.

CAMPBELL - CROSS - GUADAGNINO

1280

1 Q And you were asked questions under oath by the attorneys  
2 about these fake car accidents; right?

3 A Correct.

4 Q But only you knew that they were fake in your head;  
5 right?

6 A Yeah.

7 Q And you spent hours talking about the fake car accidents  
8 because you knew you were going to get money from that; right?

9 A Correct.

10 Q And at any time during your hours of testimony about the  
11 fake car accidents, did you stop and say I can't do this  
12 anymore?

13 A No.

14 Q Why not?

15 A Because I didn't -- at that time, even with the perjury,  
16 like I thought in my mind, honestly, I just thought I wasn't  
17 going to get the money if I sat there. You know what I'm  
18 saying. So, it was more like after I finished, I started  
19 looking it up, and it was, like, you could also be charged  
20 with perjury.

21 Q That was after the first time that you did it; right?

22 A Yes.

23 Q Now, after you looked it up and finished that day of  
24 testifying falsely under oath, you did it again?

25 A Yeah.

CAMPBELL - CROSS - GUADAGNINO

1281

1 Q Even though you knew that you could get locked up for it?

2 A I didn't look up the perjury charge after -- like, right  
3 after the first one. Like I looked it up in the midst of my  
4 second desposition [sic], after being interviewed the second  
5 time. I walked into the office and I seen a sign that said if  
6 you know anything about insurance fraud, please call this  
7 number, stuff like that. So, I'm like oh, okay, well, let me  
8 look how serious this is and I looked it up and I'm like whao.

9 Q That was after the first time you gave false testimony  
10 when you saw that sign about insurance fraud?

11 A After the second time I gave false testimony.

12 Q So that was after the second time that you gave false  
13 testimony?

14 A Yes.

15 Q And the second time, again you went to another  
16 deposition; right?

17 You did two depositions?

18 A Yeah.

19 Q And you did the same thing the second deposition, you  
20 raised your hand, you were sworn in; right?

21 A Yes.

22 Q And you continued lying about another car accident?

23 A Yes.

24 Q Right?

25 And that one was even a worse car accident because



CAMPBELL - CROSS - GUADAGNINO

1282

1 that's the one where you were going to make \$50,000; right?

2 A Yeah.

3 Q And your injuries were worse in that one?

4 A It wasn't worse. I just was dealing with a different --  
5 a different therapy, different lawyers.

6 Q Okay. But everything that you were doing was false?

7 A Yes.

8 Q Right?

9 So you gave testimony again under oath for hours  
10 about a false accident the second time; right?

11 A Yes.

12 Q And then you submitted yourself again to unnecessary  
13 surgery, putting your health at risk; right?

14 A Yes.

15 Q All because you were going to get a bigger reward, a  
16 \$50,000 check?

17 A Well, at the time I didn't know how much it was. I  
18 realized how much it was after I got locked up and got the  
19 call.

20 Q You were hoping for more money?

21 A Yeah.

22 Q You were hoping that, you know, by you lying you were  
23 going to make the check bigger, you were going to say, look,  
24 I'm in pain, I got to go through seven months worth of  
25 therapy; right?

CAMPBELL - CROSS - GUADAGNINO

1283

1 A Yeah.

2 Q And even though you said that, you knew that the therapy  
3 that you were doing was false, it was fake, right?

4 A Yeah.

5 Q And the reason you did it is because you wanted to help  
6 yourself get that money; right?

7 A Yeah.

8 MS. NGAI: Your Honor, asked and answered.

9 MR. GUADAGNINO: Second time.

10 THE COURT: Sustained.

11 Q I'm going to move on now.

12 THE COURT: Good.

13 Q And then you testified besides those two fake accidents,  
14 you had participated in four more accidents?

15 A Yeah, but that wasn't -- that wasn't like depo thing.  
16 That was just me referring people to -- yeah.

17 Q Right.

18 But you did four more fake accidents, you  
19 participated --

20 A Well, I got money for, you know, referring somebody.

21 Q Right. And the people that you referred also were in on  
22 the fake car accidents?

23 A Yeah.

24 Q And the people that you referred who were also in on the  
25 fake car accidents, you knew that they were going to have to

CAMPBELL - CROSS - GUADAGNINO

1284

1 go to give false testimony as well?

2 A At that point that, yeah.

3 Q Yeah, because you had done the same yourself; right?

4 A Yeah.

5 Q So you knew how the system worked; right?

6 A Yes, sir.

7 Q So you knew that you were sending off people to lie under  
8 oath themselves?

9 A Their own choice, yeah.

10 Q To make money for you?

11 A Yeah.

12 Q Right. So in this case here, everything you told us was  
13 the truth?

14 A Exactly, yes.

15 Q It has to be the truth because you want the 5K letter;  
16 right?

17 A Yes.

18 Q Why do you want the 5K letter?

19 A Well, honestly, bro, I need to go home. That's just my  
20 -- like I -- the whole -- when I was at MDC for them first 14  
21 days, it was more like, yeah, I'm like that is just not me.  
22 If I'm being honest, I need to get back to my family.

23 My mother is by herself. That's all I gotta get  
24 back to. That's literally like the reason I'm even -- the 5K1  
25 is like -- first of all, the 5K letter doesn't even guarantee

CAMPBELL - CROSS - GUADAGNINO

1285

1 me to go home. She doesn't have to let me go home. At  
2 sentencing, she can sentence me to whatever feels is  
3 necessary, whatever she deems necessary, you get what I am  
4 saying.

5 So, I'm doing this -- if that man gets acquitted and  
6 walks out of this courtroom the day that, you know, this case  
7 is all wrapped up, that doesn't have anything to do with me.

8 My agreement wasn't his conviction. It was be  
9 honest, be truthful, and you can get a 5K1 and possibly get a  
10 reduced sentence and be let go.

11 Now, with that being said, that's me honestly saying  
12 I have no reason to lie on him because I'm not gaining  
13 anything from it.

14 Q You're not gaining anything?

15 A I'm not gaining -- lying. It doesn't make any  
16 difference.

17 Q Can you get a 5K letter if you don't come into court and  
18 testify?

19 A I'm sorry, no. But, again -- now, you can't get a 5K  
20 letter if you -- if this case didn't go to trial and he pled  
21 out, it's -- I wouldn't, you know, gotten a 5K. If it went to  
22 trial and he is acquitted or he, you know, the inevitable  
23 happens, I will get a 5K1.

24 My point here is to tell the truth. I have nothing  
25 else to say on that part. I'm just here to tell my truth and

CAMPBELL - CROSS - GUADAGNINO

1286

1 possibly go home. That is it.

2 Q And who determines if you told the truth?

3 A Determines if I told the truth, I mean, I would guess  
4 like -- I don't -- I don't -- the Court, you know what I'm  
5 saying.

6 Q Who's going to give you the letter?

7 A The prosecution.

8 Q Right. So you are here testing hoping that they believe  
9 that you're telling the truth; right, the Government?

10 A I'm telling the truth. There's not no believe I'm  
11 telling the truth. I'm telling the truth.

12 Q Let me ask you this question: How come you took the  
13 route of cooperation?

14 A I took the route of cooperation because I got tired of  
15 that gang shit.

16 If you noticed that my role -- if you look at my  
17 Instagram, my role was different. I want an actor. I want to  
18 leave. I don't want to be around. Like, I was on my way. I  
19 was there. I was gone.

20 It's unfortunate. I lost everything because of this  
21 cooperation. I lost everything because of this whole jail,  
22 the -- everything. The only thing I have left is my mother.

23 Q So you could have taken a cooperation agreement without a  
24 5K letter?

25 A Huh?

CAMPBELL - CROSS - GUADAGNINO

1287

1 Q You could have entered into a cooperation agreement  
2 without a 5K letter?

3 MS. NGAI: Objection.

4 THE COURT: Sustained.

5 Q Would you -- you want a 5K letter; correct?

6 A Listen, I want to go home, bro.

7 Q You want to go home, right?

8 Do you know of any other way that you can get less  
9 time?

10 Your mandatory minimum is five years; right?

11 A Yeah.

12 Q Do you know any other way that you can get under the five  
13 years without a 5K?

14 A I don't know. I wasn't looking into that, bro, like, I  
15 don't.

16 Q You don't --

17 A All I know when I first -- I cooperated from the jump. I  
18 went to them. They didn't come to me. From the jump.

19 Q Well, you got arrested?

20 A From the jump, I cooperated.

21 It wasn't explained to me by any agents. It was --  
22 once I got caught, it was, listen, I don't want nothing to do  
23 with this.

24 Q Did you go to the Government or did they arrest you?

25 A They arrested me.

CAMPBELL - CROSS - GUADAGNINO

1288

1 Q And when they arrested you and you had your conversation,  
2 that's how you knew that you were in trouble; right?

3 A Yeah.

4 Q You didn't turn yourself in and say I just want to come  
5 clean?

6 A No. I wasn't -- let me tell you something: If I would  
7 have had a warrant, if I wasn't at my house that day and my  
8 mother called me and said, listen, agents came to the house,  
9 they said you got to turn yourself in, I was turning myself  
10 in.

11 Q Because they were looking for you?

12 A Yeah.

13 Q Not you looking for them?

14 A And I didn't give them a hard time.

15 Q But you wouldn't have turned yourself in unless they were  
16 looking for you?

17 THE COURT: Asked and answered, sir. Move on.  
18 What else do you have?

19 MR. GUADAGNINO: May have I have a moment, Your  
20 Honor?

21 THE COURT: Yes.

22 MR. GUADAGNINO: Thank you. I have no further  
23 questions.

24 THE COURT: Any redirect?

25 MS. NGAI: No, Your Honor.

CAMPBELL - CROSS - GUADAGNINO

1289

1 THE COURT: All right. Sir, you are excused. Thank  
2 you for your time.

3 THE WITNESS: Thank you.

4 THE COURT: You can take the water if you'd like.

5 MR. GALEOTTI: Would Your Honor like us to call a  
6 witness?

7 THE COURT: Yes, I'm ready.

8 MR. GALEOTTI: Your Honor, the Government calls  
9 Investigator Andrew Walker.

10 THE COURT: All right. Sir, come on up to the  
11 stand.

12 THE COURTROOM DEPUTY: Please have a seat. State  
13 and spell your full name, please.

14 THE WITNESS: Andrew Walker. A-N-D-R-E-W, Walker.  
15 W-A-L-K-E-R.

16 THE COURT: Sir, if you want to take your mask off  
17 when you testify, you may, otherwise you can leave it on if  
18 you prefer.

19 THE WITNESS: Okay.

20 THE COURT: Just speak close to the mic.

21 (Continued on next page.)  
22  
23  
24  
25



Walker - direct - Galeotti

1290

1 **ANDREW WALKER,**

2 called as a witness, having been first duly

3 sworn/affirmed, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. GALEOTTI:

6 Q Where do you work, sir?

7 A New York City Department of Corrections.

8 Q Is that also known as the DOC?

9 A Yes, sir.

10 Q How long have you worked for DOC?

11 A Nine and a half years.

12 Q When you first began working at DOC, what was your title?

13 A Correction officer.

14 Q Where did you work as a corrections officer?

15 A OBCC Otis Bantum Correctional Center.

16 Q What is Rikers Island?

17 A Rikers Island is basically a prison.

18 Q Is it a city facility?

19 A Yes, sir.

20 Q What were your duties as a corrections officer?

21 A The care, custody and control of inmates.

22 Q How long were you a corrections officer?

23 A I was a correction officer for about seven years.

24 Q And at some point did you go to a certain or a particular

25 section as a corrections officer?

Walker - direct - Galeotti

1291

1 A Yes. Two separate places. I was in gang intel and  
2 current now I'm with DOI, Department of Investigation.

3 Q What's DOI?

4 A Department of Investigation.

5 Q Is that a state agency or --

6 A A city agency.

7 Q Okay. Did there come a time where you were assigned to  
8 the Central Intelligence Bureau?

9 A Yes, gang intel.

10 Q You refer to Central Intelligence Bureau as gang intel?

11 A Correct. CIB.

12 Q What did you do in CIB?

13 A Basically what I did was I taught numerous facilities on  
14 Rikers Island. We interviewed inmates when they came into the  
15 facility and also I interviewed inmates in other facilities as  
16 well.

17 Q About how many years did you work in CIB?

18 A For four years.

19 Q After working at CIB, what did you do next?

20 A Where I'm at currently, Department of Investigation.

21 Q What is your title at DOI?

22 A Correction officer investigator.

23 Q What do you do at do you think?

24 A We investigate criminal things that occur in Rikers  
25 Island as far as the corruption.

Walker - direct - Galeotti

1292

1 Q How far did you go in school?

2 A I got my master's in University of Albany.

3 Q For what?

4 A Communications, liberal studies.

5 Q Did you go to college?

6 A Yes.

7 Q Where is that?

8 A University of Albany.

9 Q Did you graduate?

10 A Yes, sir.

11 Q Before you started working at Rikers Island, did you  
12 receive any training?

13 A Yes.

14 Q Can you describe some of that training?

15 A I was at the academy for about four to six months. We  
16 learned the rules and regulations of the department, physical  
17 training, how to search inmate, how to search their living  
18 quarters, how to pat frisk them and how to search for  
19 contraband.

20 THE COURT: And search living quarters?

21 THE WITNESS: Correct.

22 Q Sir, over the course of your career, have you become  
23 familiar with the methods of gathering intelligence for gangs?

24 A Correct.

25 Q Let me start here. What's the main reason for DOC to

Walker - direct - Galeotti

1293

1 collect intelligence regarding gangs?

2 A We basically want to house inmates according to their  
3 gang affiliation so there won't be any issues. A lot of gangs  
4 usually they have like wars or beef, we want to say. So we  
5 basically interview them to figure out what affiliation they  
6 are to house them in different areas.

7 Q For inmate safety?

8 A Correct.

9 Q As well as staff in the facility?

10 A Yes, sir.

11 Q As part of your work, do you frequently -- or when you  
12 were in gang intel, I should say, as part of that work, did  
13 you frequently listen to calls made by inmates?

14 A Yes, sir.

15 Q How many?

16 A Over the years and currently, thousands.

17 Q And are there particular indications on a recording that  
18 a call is being made from Rikers?

19 A Yes. It states once you hear a call that this call is  
20 being recorded from New York State prison.

21 Q And are you familiar with that audio?

22 A Yes, sir.

23 Q Approximately how many recorded phone calls from Rikers  
24 inmates have you listened to? Withdrawn.

25 Over what time period did you listen to the calls

Walker - direct - Galeotti

1294

1 you previously described?

2 A From the time period from -- since I have been in CIB to  
3 present.

4 Q So with respect to phone calls from Rikers Island, are  
5 there phones that inmate can use to call people outside of the  
6 facility?

7 A Yes, sir.

8 Q Where are those phones located?

9 A In each housing area.

10 Q What, if anything, does an inmate have to do before  
11 dialing the number they would like to call?

12 A Usually they have to enter their booking case number and  
13 the PIN.

14 Q Is the PIN unique to each inmate?

15 A Yes, that's the PIN that they create.

16 Q Based on your work at Rikers Island and CIB and DOI, is  
17 it common for inmates to use another inmate's PIN?

18 A Yes.

19 Q Sometimes they use their own PIN?

20 A Correct.

21 Q Are there -- are the phone calls recorded at Rikers  
22 Island?

23 A Yes, they are.

24 Q Are inmates warned that the calls are recorded?

25 A Yes.

Walker - direct - Galeotti

1295

1 Q How are they warned?

2 A One -- where they make the phone call at, there's  
3 actually stickers that's placed next to the phone that states  
4 that the phone call is being recorded. And once they dial  
5 number and their booking case number, once the phone call  
6 starts ringing to the other person, it states that the phone  
7 call is being recorded.

8 Q Do you have access -- as part of your role, do you have  
9 access to jail calls in the ordinary course of your business?

10 A Yes, sir.

11 Q Are such calls kept in the regular course of business?

12 A Yes, sir.

13 Q Are they preserved contemporaneously or as close as to  
14 contemporaneously as possible as they're made?

15 A Yes.

16 Q Are they true and accurate recordings of the jail calls  
17 themselves?

18 A Yes.

19 Q In connection with preparation for your testimony, did  
20 you listen to certain jail calls?

21 A Yes.

22 MR. GALEOTTI: Your Honor, if I may I approach the  
23 witness?

24 THE COURT: Yes.

25 MR. GALEOTTI: Your Honor, for the record, I've

Walker - direct - Galeotti

1296

1 handed the witness a hard drive marked Government Exhibit 904  
2 for identification purposes.

3 THE COURT: Thank you.

4 Q Sir, do you recognize what I have just handed to you?

5 A Yes, sir.

6 Q How do you recognize it?

7 A This is something that I signed and I listened to.

8 Q What is -- are you familiar with the contents of that  
9 disc?

10 A Yes.

11 Q What is on that disc?

12 A Phone calls, secured phone calls.

13 Q Taken from where?

14 A From Rikers Island that was recorded.

15 MR. GALEOTTI: Your Honor, the Government moves to  
16 admit Government Exhibit 904.

17 THE COURT: Mr. Guadagnino?

18 MR. GUADAGNINO: No objection.

19 THE COURT: All right. We receive Government  
20 Exhibit 904.

21 (Government's Exhibit 904 received in evidence.)

22 Q You can hold on to that, sir. We will play those another  
23 time.

24 Sir, in your work, are you familiar with the term  
25 new admission process?

Walker - direct - Galeotti

1297

1 A Yes.

2 Q What does that mean?

3 A New admission process is basically when a new inmate  
4 comes into the facility and they have to go through a process,  
5 so a screening process, they get searched, and they also get  
6 interviewed.

7 Q When you were working in CIB, did you participate in that  
8 process?

9 A Yes, sir.

10 Q And in CIB, how is information collected during the  
11 admissions process?

12 A We would basically interview inmates who came into the  
13 facility, especially new inmates. We will find out, you know,  
14 where they're from, if they were affiliated with any gangs.  
15 And if so, we will basically put it in your database.

16 Q When a new admit provided that information, would it be  
17 recorded anywhere?

18 A Yes, it will be recorded into the system, so others that  
19 if they look up that inmate, they will see it.

20 Q And, again, what was the purpose of that?

21 A To house them accordingly.

22 Q Did you do that when you worked in CIB?

23 A As far as assessing them?

24 Q And taking contemporaneous notes?

25 A Yes.



Walker - direct - Galeotti

1298

1 Q Was that part of the protocol?

2 A Correct.

3 Q Did others in CIB do that?

4 A Yes.

5 Q Was one part of the process asking for self-admissions  
6 from inmates?

7 A Yes.

8 MR. GALEOTTI: If we could please show just to the  
9 witness, court, and counsel Government Exhibit 601.

10 Q Without asking you to detail, sir, what kind of document  
11 is on the screen in Government Exhibit 601?

12 A This is a criteria checklist.

13 Q And do you have -- well, what is a criteria checklist?

14 A A criteria checklist is basically once an inmate  
15 self-admits that they're gang affiliated, we would document it  
16 and put it on this criteria list.

17 Q Do you have access to criteria lists in your ordinary  
18 course of business?

19 A Yes.

20 Q Are such documents kept in the regular course of  
21 business?

22 A Yes.

23 Q Are they preserved contemporaneously?

24 A Yes, sir.

25 Q And are they true and accurate depictions of what the

Walker - direct - Galeotti

1299

1 person who's taking the notes is hearing from the inmate?

2 A Yes --

3 MR. GALEOTTI: Your Honor, the Government offers  
4 Government Exhibit 601.

5 MR. GUADAGNINO: Objection, Your Honor.

6 THE COURT: On what ground, please?

7 MR. GUADAGNINO: Hearsay.

8 THE COURT: All right. I believe -- does the  
9 Government want to offer an exception or a counterargument?

10 MR. GALEOTTI: Statement of a party-opponent, Your  
11 Honor.

12 THE COURT: All right. Given the description of the  
13 witness as to how the data is input on this document, I will  
14 overrule the objection and admit Government Exhibit 601.

15 MR. GALEOTTI: I would also note, Your Honor, for  
16 the record, the document itself says self-admitted.

17 THE COURT: Correct.

18 (Government's Exhibit 601 received in evidence.)

19 MR. GALEOTTI: Thank you.

20 Now, if you could please blow up the top area, Ms.  
21 Wissel, thank you very much.

22 Q Now, sir, now that it is on the screen and we can all see  
23 it, can you please describe this document in a bit more  
24 detail?

25 And I'm pointing at the screen, Government Exhibit

Walker - direct - Galeotti

1300

1 601?

2 A So, basically it has the inmate's license number, the  
3 inmate's name, the facility, and who identified him, and the  
4 person who identified him -- the person who identified him and  
5 what he said -- what he self-admitted to while he interviewed  
6 at that time.

7 Q Okay. Now, can you please read, pointing where it says  
8 criteria checklist, what does it say under that?

9 A It says self-admission. It says -- you want me read the  
10 comment as well?

11 Q It says, Preferably in writing?

12 A Yes.

13 Q Do you sometimes get them in writing from inmates?

14 A Correct.

15 Q Sometimes orally?

16 A Yes.

17 Q Under comment, sir, can you please read that?

18 A On 8/12/07 inmate self-admitted to being a Blood member.  
19 Subject admitted to IU Wilkinson to being Elite Assassin  
20 Milla, 8608 aka, Don B/Bebo.

21 MR. GALEOTTI: Thank you, sir.

22 We can take that down.

23 Q And, sir, in addition to that information collected, in  
24 your capacity in CIB, are you aware of phone records that are  
25 collected when inmates place calls?

Walker - direct - Galeotti

1301

1 A Yes.

2 Q And how was that done?

3 A They are basically preserved by Securus.

4 Q What is Securus?

5 A That's the company that Rikers Island use for inmates who  
6 use the phone.

7 Q Okay. Do you review those records --

8 A Yes.

9 Q -- in your work?

10 A Correct.

11 MR. GALEOTTI: Ms. Wissel if we can pull up just for  
12 the witness, court, and counsel, and scroll through, if  
13 possible, 403A, 404A, 405A, 406A, 407A and 408A.

14 And if we can go to -- go to the first page.

15 Q Sir, by way of example in 408A, what's depicted on this  
16 screen?

17 A You have the facility that the inmate was housed at  
18 during the time of the phone call.

19 You have the call time and the date.

20 You have the number that the inmate called.

21 You got the housing area that they called from and  
22 you have their name.

23 Q And is the kind -- are the kinds of information collected  
24 that you just described the same across Government Exhibits  
25 403A through 408A?

Walker - direct - Galeotti

1302

1 A Yes, sir.

2 Q Are these documents kept in the ordinary course of  
3 business?

4 A Yes.

5 Q And are they recorded contemporaneous to when the calls  
6 are made?

7 A Yes, sir.

8 Q Do you have access to these kinds of records in  
9 connection with your work?

10 A Yes, sir.

11 Q And do these records, 403A through 408A, truly and  
12 accurately represent information in connection with Rikers  
13 Island phone calls?

14 A Yes.

15 MR. GALEOTTI: The Government offers 403A, 404A,  
16 405A, 406A, 407A and 408A.

17 THE COURT: Mr. Guadagnino?

18 MR. GUADAGNINO: Your Honor, objection based on the  
19 proper business record foundation -- the improper business  
20 record foundation.

21 THE COURT: How so?

22 MR. GUADAGNINO: It appears that the Government has  
23 not established a proper foundation based on the  
24 qualifications of this witness to authenticate the documents  
25 that are being introduced into evidence.

Walker - cross - Guadagnino

1303

1 Q Sir, do you have access to these documents?

2 A Yes.

3 Q Do you review them in the ordinary course of your  
4 business?

5 A Yes, sir.

6 Q Are these the kinds of documents that you review, the  
7 ones that are here on screen right now?

8 A Yes.

9 MR. GALEOTTI: Your Honor, the Government moves all  
10 of those exhibits in.

11 THE COURT: The objection is respectfully overruled.  
12 Government Exhibits 403A, 404A, 405A, 406A, 407A, and 408A.  
13 Are admitted.

14 (Government's Exhibits 403A, 404A, 405A, 406A, 407A,  
15 and 408A received in evidence.)

16 MR. GALEOTTI: Your Honor, for time, we will play  
17 the recordings at another time and we will have no further  
18 questions for this witness at the moment.

19 THE COURT: All right.

20 Mr. Guadagnino, do you want to cross?

21 MR. GUADAGNINO: May I have a moment, Your Honor?

22 THE COURT: All right.

23 CROSS-EXAMINATION

24 BY MR. GUADAGNINO:

25 Q Good afternoon, Investigator Walker.

Walker - cross - Guadagnino

1304

1 A Good afternoon, sir.

2 Q You spoke about an exhibit, Government Exhibit 601, that  
3 had just been admitted by the Government?

4 A Yes, sir.

5 Q And there is a -- an Investigator Wilkinson who signed at  
6 that document; is that correct?

7 A Correct.

8 Q Sir, have you ever met Investigator Wilkinson?

9 A No, sir.

10 Q Do you have any personal knowledge of who he is?

11 A No, sir.

12 Q And this was sometime back in 2007?

13 A Correct.

14 There was two -- if you look at the document,  
15 Wilkinson was the first person who inputted the information,  
16 and then when you look at the top of the docket, it says  
17 Braska. He was the one who updated the information, sir.

18 Q And there was the type of admission that should be in  
19 writing and one that should be -- the best admission is in  
20 writing, is that what the documents requires?

21 A It says preferably.

22 Q Preferably. Why is that?

23 A Because we want to -- because it's either you get it in  
24 writing, you could know that the inmate wrote it, or it's he  
25 said/she said. Basically, if I interview the inmate, it's

Walker - cross - Guadagnino

1305

1 just their word against mine.

2 Q So you want to get it in writing to make sure it's not a  
3 fabrication?

4 A Correct.

5 Q Because this could be a fabrication it's not in writing?

6 A Correct.

7 MR. GUADAGNINO: No further questions.

8 MR. GALEOTTI: Nothing further, Your Honor.

9 THE COURT: All right. Sir, you are excused. Have  
10 a good day. Thank you for coming.

11 THE WITNESS: Thank you.

12 (Witness excused.)

13 (Continued on next page.)

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Proceedings

1306

1 MR. GALEOTTI: Your Honor, the government calls  
2 Mr. John Mullins.

3 THE COURT: All right. Thank you.

4 MR. GALEOTTI: Your Honor, I believe there's a hand  
5 up for you.

6 THE COURT: Yes, ma'am. Why don't we take a quick  
7 break.

8 Do not talk about the case. Put your notebooks  
9 down, face down. And we will come get you as soon as we can.  
10 Thank you for your attention.

11 (Jury exits.)

12 THE COURT: All right. We are going to bring the  
13 jury in unless there is something we need to address?

14 MR. GALEOTTI: No, not from the government,  
15 Your Honor.

16 THE COURT: Okay.

17 (Jury enters.)

18 THE COURT: All jurors are present.

19 Please have a seat.

20 Would the government like to call its next witness?

21 MR. GALEOTTI: Yes, Your Honor.

22 The government calls Mr. Mullins.

23 THE COURT: Thank you.

24 Right over here, sir.

25 Good afternoon.

Proceedings

1307

1 THE WITNESS: Good afternoon.

2 THE COURT: Set your coat on one of those chairs.

3 THE WITNESS: Thank you so much.

4 THE COURT: Raise your right hand, please.

5 (Witness sworn/affirmed.)

6 THE COURT: Please have a seat state and spell your  
7 full name.

8 THE WITNESS: Name is John Mullins; J-O-H-N,  
9 M-U-L-L-I-N-S.

10 THE COURT: Thank you.

11 You may proceed.

12 (Continued on the next page.)

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Mullins - Direct - Galeotti

1308

1 **JOHN MULLINS**, having been first duly sworn, was examined and  
2 testified as follows:

3 **DIRECT EXAMINATION**

4 **BY MR. GALEOTTI:**

5 Q Mr. Mullins, you can take your mask down if you're  
6 comfortable.

7 A Okay.

8 Q Good afternoon, sir.

9 A Good afternoon, Counsel.

10 Q What do you do?

11 A For the last eight years I am an investigator for  
12 New York State. I work for an agency called the New York  
13 State Justice Center For the Protection of People With Special  
14 Needs. My job entails me investigating abuse and neglect for  
15 people that are seeking services in state, licensed and  
16 operation -- operating facilities.

17 Q What did you do prior to that?

18 A I was a member of the New York City Police Department for  
19 29 years.

20 Q In what roles did you serve in the NYPD?

21 A I was a uniform officer and I retired as a detective.

22 Q What year did you become a detective?

23 A 1991.

24 Q Were you a detective in 2011?

25 A Yes, I was.

Mullins - Direct - Galeotti

1309

1 Q Were you working April 2011?

2 A Yes, I was.

3 Q And were you working in May 2011?

4 A Yes, I was.

5 Q And in May 2011, what was your -- what were your general  
6 duties and responsibilities?

7 A As a member of the 75th Precinct detective squad, I  
8 worked in a team between six and seven detectives. My job was  
9 to assist in shootings and homicides with the investigator or  
10 detective who actually was assigned the case.

11 Q Turning your attention to May 9th, 2011, were you working  
12 that day, sir?

13 A Yes, I was.

14 Q Did there come a time where you were assigned to report  
15 to a hospital?

16 A Yes, there was.

17 Q What happened?

18 A I was assigned to go to Brookdale Hospital to show a  
19 photo array to a victim by the name of Damian Bullock.

20 Q Prior to going to the hospital, had you been working on  
21 the case of Damian Bullock?

22 A I was not.

23 Q Why were you asked to go?

24 A I could only assume that I was asked to go because the  
25 detective was not available at that time who was assigned the

Mullins - Direct - Galeotti

1310

1 case.

2 MR. GAUDAGNINO: Objection. Speculation as to  
3 assumption.

4 THE COURT: Yes, sir.

5 Don't assume anything; just what you know. So if  
6 you don't know why you were assigned to go, just say that.

7 THE WITNESS: Okay.

8 Q Had you had any prior involvement in the case?

9 A I have not.

10 Q Okay. What did you do on May 9th with respect to  
11 Damian Bullock?

12 A I was present at the hospital with Damian Bullock, was a  
13 patient at Brookdale Hospital. Inside the hospital room that  
14 night were his mom and dad. I actually showed Damian Bullock  
15 a photo array consisting of six males in which Damian Bullock  
16 viewed the photo array.

17 Q Were his mom and dad present while you showed the photo  
18 array?

19 A They were.

20 MR. GALEOTTI: If we could please pull up just for  
21 the witness, Court, and counsel, Government Exhibit 600,  
22 please.

23 Q Directing your attention to the screen, sir, is  
24 Government Exhibit 600.

25 What's depicted in this document?

Mullins - Voir Dire - Guadagnino

1311

1 A That is the photo array that I showed to Damian Bullock  
2 on May 9, 2011.

3 Q How do you recognize it?

4 A That's my -- the date of identification, 5/9/11, that's  
5 my handwriting.

6 MR. GALEOTTI: Your Honor, the Government offers  
7 Government Exhibit 600 into evidence.

8 MR. GAUDAGNINO: May I voir dire the witness?

9 THE COURT: Yes, you may.

10 VOIR DIRE EXAMINATION

11 BY MR. GUADAGNINO:

12 Q Mr. Mullins, good afternoon.

13 A Good afternoon.

14 Q Were you -- when you said that you had sat -- I believe  
15 you said that you met Damian Bullock in the hospital, correct?

16 A On the 9th, yes.

17 Q On the 9th, right?

18 A Right.

19 Q And did you -- were you able to perceive in what  
20 condition he was in?

21 MR. GALEOTTI: Objection. This is not an  
22 authentication voir dire.

23 THE COURT: Sustained. This is voir dire about this  
24 particular exhibit, sir.

25 Q Was this exhibit done by you or drawn up by you?

Mullins - Voir Dire - Guadagnino

1312

1 A I don't recall.

2 Q You don't recall?

3 The line -- the photo array, did you fill out the  
4 document yourself?

5 A Fill out what document, sir?

6 Q Did you in any way -- did you show the photo array to  
7 Mr. Bullock?

8 A I did.

9 Q Okay.

10 And did you fill it out yourself?

11 A I don't understand what you mean "fill it out."

12 Q Did you mark up the document yourself?

13 A I put the date in, if that's what you mean.

14 Q And did you put any other markings on the document  
15 besides the date?

16 A I did not.

17 Q Do you know who did?

18 A Mr. Bullock.

19 Q And you observed this?

20 A I did.

21 MR. GAUDAGNINO: Thank you.

22 No further questions.

23 THE COURT: All right.

24 Government Exhibit 600 is admitted.

25 (Government Exhibit 600 received in evidence.)

Mullins - Direct - Galeotti

1313

1 CONTINUED DIRECT EXAMINATION

2 BY MR. GALEOTTI:

3 Q Was Mr. Bullock intoxicated on May 9, 2011, when you  
4 administered this photo array?

5 A It did not appear to me that he was, no.

6 Q Okay. Well, now that we have it on the screen, sir, let  
7 me ask you this: What is a photo array?

8 A A photo array is generally six photographs of similar  
9 statute of the person that is the subject of the case. And it  
10 is shown to either witnesses or victims. And the reason why  
11 there are six is obviously to be fair to the subject, that we  
12 do want to know if the victim or witness can identify that  
13 person who is the subject in the case.

14 Q Now, were there several people in the room when you  
15 administered the photo array?

16 A Yes, there were.

17 Q And who did you direct the questions to?

18 A Mr. Bullock.

19 Q What happened?

20 A Mr. Bullock identified Photo No. 2 as the person who shot  
21 him.

22 Q Did he make any indications on government -- any  
23 notations or markings on Government Exhibit 600?

24 A Yes, he did.

25 Q How so?



Mullins - Direct - Galeotti

1314

1 A He wrote -- next to photo selected, he wrote the  
2 number 2, and he initialed it down to the right.

3 Q Focusing on the bottom right --

4 MR. GALEOTTI: Zoom in there, Ms. Wissel, please.

5 Q -- what does that say, sir?

6 A The initials are DB.

7 Q And why do you have the victim put his initials on the  
8 photo array?

9 A To assure that he was the one who actually viewed the  
10 photo array and identified the subject.

11 Q What was the -- what, if anything, was Mr. Bullock's  
12 demeanor with you at the time?

13 A After he viewed the photo array he didn't want us in the  
14 room at all. He asked us to leave.

15 Q Now, during the discussion, what was it like?

16 A It was cordial.

17 Q Has Damian Bullock ever sued you, sir?

18 A He did not.

19 Q Before you -- or during the course of your photo array,  
20 did Damian Bullock identify the person who shot him by name?

21 A Yes, he did.

22 Q What did he say?

23 A Is there something I can refer to?

24 Q Did you take notes of the meeting that you had with  
25 Damian Bullock on May 9th, 2011?

Mullins - Direct - Galeotti

1315

1 A I did.

2 Q Did you record them at or near the time of your  
3 discussion with Mr. Bullock?

4 A Yes, I did.

5 Q Would it aid you in your testimony today to be able to  
6 refer to those notes?

7 A Yes, it would.

8 MR. GALEOTTI: Your Honor, if we could show just to  
9 the witness.

10 THE COURT: Yes, you may.

11 MR. GALEOTTI: 3500-DM2 -- JM-2.

12 JM-3, please.

13 THE COURT: You want 3500-JM-3?

14 MR. GALEOTTI: Yes, Your Honor.

15 THE COURT: Okay.

16 MR. GALEOTTI: Your Honor, we are showing to the  
17 witness 3500-JM-1-A.

18 And for the record, we'll show the witness all three  
19 pages.

20 Q And what, sir, do you need to see to refresh your  
21 recollection?

22 A That would be --

23 Q Go ahead, please.

24 A May I read it?

25 Q Yes.

Mullins - Direct - Galeotti

1316

1 A On the top, it's May 9th --

2 THE COURT: No, not out loud.

3 Right?

4 MR. GALEOTTI: Correct.

5 Q For now, sir, we're just asking you to refresh your  
6 recollection.

7 A Okay.

8 Next page.

9 Okay.

10 Q And, sir, if I can have your attention again.

11 During the photo array that you administered, what  
12 did Damian Bullock say about the person who shot him on  
13 April 30th, 2011?

14 A He said it was Chucky.

15 Q Sir, at the time he identified the person as Chucky, did  
16 you know Quandel Smothers?

17 A I knew the name from the neighborhood, but I did not know  
18 who he was personally, no.

19 Q Thank you, sir.

20 Did there come a time after your -- well, withdrawn.

21 Did you continue to work on the case of the  
22 Damian Bullock shooting after you administered the photo  
23 array?

24 A I did not.

25 Q But did there come a time in 2012 where you met

Mullins - Direct - Galeotti

1317

1 Damian Bullock again?

2 A Yes. I was assigned a case regarding threats to a  
3 witness regarding Damian Bullock.

4 Q How were you assigned that case?

5 A When a threats to a witness comes in, the detectives  
6 are -- get the case. And I was actually working that day, and  
7 I was assigned the case.

8 Q Did you have a discussion with the patrol sergeant about  
9 that case?

10 A Yes, I did.

11 Q What happened?

12 A I asked the patrol sergeant what -- what's protocol for  
13 detectives to do when you have threats to a witness is you'd  
14 like to have police presence outside of the family house, so  
15 the residence where that person is living.

16 I spoke with the patrol sergeant and asked if he  
17 could put special attention to the Bullock family because I --  
18 I gave him the background of the case, as far as he was a  
19 victim of a shooting. And he had mentioned to me that he  
20 would put --

21 MR. GAUDAGNINO: Objection. Hearsay.

22 MR. GALEOTTI: Future plan, Your Honor.

23 THE COURT: I beg your pardon?

24 MR. GALEOTTI: Statement of a future plan.

25 THE COURT: By Mr. Bullock?

Mullins - Direct - Galeotti

1318

1 MR. GALEOTTI: By Mr. Mullins.

2 THE COURT: Oh, he was about to say what Mr. Bullock  
3 said.

4 MR. GALEOTTI: Oh, okay. Well, we won't ask him  
5 that.

6 THE COURT: All right. Don't repeat what  
7 Mr. Bullock said to you. But you can ask him general  
8 questions about the situation.

9 Q Did you effect a plan with the patrol sergeant?

10 A Yes.

11 Q What was that?

12 A Hourly visits to the residence.

13 THE COURT: So when you say "threats to a witness,"  
14 was Mr. Bullock the witness who had received the threats or  
15 was it someone else?

16 THE WITNESS: Mr. Bullock.

17 THE COURT: Okay.

18 Q And why did you need hourly visits to Mr. Bullock?

19 A For the safety of the family.

20 Q Why?

21 A The fear that somebody may come back and try to hurt him.

22 MR. GAUDAGNINO: Objection, Your Honor. Hearsay.

23 THE COURT: Overruled.

24 MR. GALEOTTI: Thank you, sir. No further  
25 questions.

Mullins - Cross - Guadagnino

1319

1 THE COURT: Any cross?

2 MR. GAUDAGNINO: Briefly, Your Honor.

3 (Continued on the next page.)

4

5 CROSS-EXAMINATION

6 BY MR. GUADAGNINO:

7 Q Good afternoon, Mr. Mullins.

8 A Counselor.

9 Q How long have you been retired from the NYPD?

10 A Next week will be nine years.

11 Q Okay. So this incident that you're testifying about took  
12 place 20 -- 12 years ago, right?

13 A I believe come April, yes.

14 Q Do you have any independent recollection of this incident  
15 other than your notes?

16 A I know that Mr. Bullock suffered severe trauma to one of  
17 his legs where his leg was amputated.

18 Q But you observed that 12 years ago?

19 A I was there, yes, in the hospital. Right.

20 Q And do you have any independent recollection, besides  
21 what's written in your memo book, of the medical condition  
22 that he was in?

23 A I do not.

24 Q It's safe to say he was in ICU?

25 A I don't recall what room he was in when I went to see

Mullins - Cross - Guadagnino

1320

1 him.

2 Q Okay. But he was in the hospital?

3 A He was.

4 Q And at the time he was in the hospital, he was connected  
5 to machines?

6 A I don't recall that.

7 Q Do you recall that he had intravenous medication being  
8 administered to him?

9 A I do not.

10 Q Do you recall what type of medication, if any, he was  
11 being administered to?

12 A I do not.

13 Q The incident that precipitated him being hospitalized  
14 occurred approximately 11 days before you saw him?

15 A Yes, probably around 11 days. Yes.

16 Q And he was still in the hospital?

17 A Yes, he was.

18 Q Okay. And I believe you stated that his parents were  
19 there, correct?

20 A That was correct.

21 Q And I think you testified also as to some incidents  
22 involving threats to Mr. Bullock's family; is that correct?

23 A To Mr. Bullock.

24 Q To Mr. Bullock himself, not the family?

25 A Correct.

Mullins - Cross - Guadagnino

1321

1 Q Correct?

2 And did you testify in the Grand Jury in Brooklyn  
3 Supreme Court or Brooklyn Criminal Court?

4 A I don't believe so, no.

5 Q Did you in any way investigate the case?

6 A Yes, I did.

7 Q Okay. And with respect to your investigation, I think  
8 you mentioned something about Quandel Smothers; is that  
9 correct?

10 A During the threats to a witness case? I don't know if I  
11 mentioned Quandel's name with that.

12 Q You mentioned his name in relationship to the shooting;  
13 is that right?

14 A Correct.

15 Q And your only role in that investigation was to  
16 administer this lineup -- withdrawn.

17 Administer the photo array, correct?

18 A For the shooting case, yes, that's correct.

19 Q And you didn't have any investigation the day of the  
20 shooting, correct?

21 A That's correct.

22 Q So it was just you showing up and showing him the six  
23 photographs and nothing more?

24 A Correct.

25 Q And this was while he was in the hospital room?



Mullins - Cross - Guadagnino

1322

1 A That's correct.

2 Q Being tended to for his injuries?

3 A Correct.

4 Q Now, you testified that he had put his initials at the  
5 bottom right of the document that's in evidence, correct?

6 A That's correct.

7 Q And the one that I'm referring to would be Government  
8 Exhibit 600, correct?

9 A I don't remember the number, Counsel.

10 MR. GALEOTTI: We'll put it in.

11 MR. GAUDAGNINO: Thank you.

12 Q So you looked at Government Exhibit 600?

13 A That's correct.

14 Q And you see that you had testified that he had written  
15 his initials, DB?

16 A Correct.

17 Q And you observed that?

18 A I did.

19 Q And you said that that's a No. 2 and not a No. 3,  
20 correct?

21 A Right. Correct.

22 Q And then you stated that the only thing that you did was  
23 write the date on the document, correct?

24 A Correct.

25 Q So who put the check mark where identification made

Mullins - Cross - Guadagnino

1323

1 crossing out both boxes, yes and no? Who put that there?

2 A Mr. Bullock. But that was on the yes box. I don't  
3 believe it's on the no box.

4 Q Would you agree that the check mark covers both boxes?

5 A I do.

6 Q And it's your testimony that you believe that he checked  
7 the yes box?

8 A That's correct.

9 Q And what's that based on?

10 A Well, it looks like the front of the check mark is right  
11 on the yes box. It looks like the line going through the no  
12 look like more of an extension line than it does a check.

13 Q Is the check on the box or is the check outside the box?

14 A Well, part of it's in the box.

15 Q Your testimony is that part of the check is in the box?

16 A That's correct.

17 Q And you observed this?

18 A I did.

19 Q Do you have independent recollection of observing this or  
20 are you going off your notes from 12 years ago?

21 A That's correct, my notes.

22 Q Your notes.

23 And did you write anything about the check in your  
24 notes? Would your notes refresh your recollection if you  
25 mention anything about the check in your notes?

Mullins - Cross - Guadagnino

1324

1 THE COURT: About the check or the identification?

2 MR. GAUDAGNINO: The identification, meaning the  
3 check mark.

4 A I don't follow what you're saying, Counsel.

5 Q Okay. Did you write in your notes that he made an  
6 identification?

7 A Yes.

8 Q And do you recall what you said in your notes about him  
9 making an identification?

10 A Yes.

11 Q What did you say?

12 A He said that it was Chucky.

13 Q Okay. So he said that the identification that he made  
14 was of Chucky?

15 A Correct.

16 Q And other than in your notes, did you write that anywhere  
17 else?

18 A I did not.

19 Q Did you give this information to anyone after you  
20 received it?

21 A I don't recall.

22 Q What did you do with the information after you received  
23 it?

24 A I don't recall.

25 Q You don't recall?

Mullins - Cross - Guadagnino

1325

1 A No.

2 Q Well, I got to ask you this question: Wouldn't you have  
3 written the next procedure in your notes as to what you did  
4 with this information?

5 A No, not necessarily. If I would've given it to the  
6 detective who was assigned the case, I would not have  
7 mentioned that at all, that I would've written it, that I gave  
8 it to the detective.

9 Q You just said you don't remember what you did with it.

10 A No, I said "if." If I did.

11 Q Okay. But you don't remember what you did with this  
12 information?

13 A That's correct.

14 Q Did you hold on to it?

15 A I'm sure I put it in the case folder.

16 Q Well, you don't have any independent recollection; is  
17 that what you're saying?

18 A I don't.

19 MR. GAUDAGNINO: May I have a moment, Your Honor?

20 THE COURT: Yes.

21 I'm sorry, did the government move in 3500-JM-1A or  
22 not or was that just refreshing?

23 MR. GALEOTTI: That was for refreshing, Your Honor.

24 THE COURT: Okay. Thank you.

25 Q Mr. Mullins, just a few more questions.

Mullins - Cross - Guadagnino

1326

1           You said you were assigned to this case.

2           Did you make any arrests yourself in this case?

3   A     Which case are you talking about, Counsel?

4   Q     This case where you made the identification with  
5   Mr. Bullock?

6   A     I wasn't assigned that case.

7   Q     You were not assigned the case.

8           And in your notes, I believe you said that  
9   Mr. Bullock was driven to some location; is that correct?

10   A     Yes.

11   Q     Where he got shot? Is that correct?

12   A     That's correct.

13   Q     Thank you.

14           One more question.

15           MR. GAUDAGNINO: One moment, Your Honor.

16   Q     Last question is, you said that you were assigned to the  
17   threatening case; is that correct?

18   A     That's correct.

19   Q     Did you make any arrests in that case?

20           MR. GALEOTTI: Objection.

21           THE COURT: Basis? He testified it on direct.

22           MR. GALEOTTI: Well, it's the same objection from  
23   yesterday. I don't want to -- it's fine. You know what, it's  
24   fine.

25           THE COURT: All right.

Mullins - Cross - Guadagnino

1327

1 MR. GALEOTTI: We'll withdraw it.

2 THE COURT: All right. You may answer.

3 A Please repeat that.

4 Q You said that in the threatening case, you were assigned  
5 to the threatening a witness case?

6 A That's correct.

7 Q Did you make any arrests in that case?

8 A I did not.

9 MR. GAUDAGNINO: Thank you. No further questions.

10 THE COURT: Any redirect?

11 MR. GALEOTTI: No. Thank you, Your Honor.

12 THE COURT: Sir, thank you for your time. You are  
13 excused.

14 (Witness excused.)

15 MS. NGAI: Your Honor, the government calls  
16 Mr. James Thomas.

17 THE COURT: All right. Thank you.

18 Sir, step up to the witness stand, please, right  
19 here. Thank you.

20 Good evening.

21 THE WITNESS: Good evening.

22 THE COURTROOM DEPUTY: Please raise your right hand.

23 (Witness sworn/affirmed.)

24 THE COURTROOM DEPUTY: Please have a seat and state  
25 and spell your full name, please, for the record.

Mullins - Cross - Guadagnino

1328

1 THE WITNESS: James Thomas; J-A-M-E-S, T-H-O-M-A-S.

2 THE COURT: Thank you. You may proceed.

3 **JAMES THOMAS**, having been first duly sworn/affirmed, was  
4 examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MS. NGAI:

7 Q Good afternoon, sir.

8 A Good afternoon.

9 Q Do you currently work?

10 A Well, I'm a full-time dad.

11 Q Great.

12 Where did you work before? Did you work before?

13 A I did. I was employed by the NYPD as a detective.

14 Q And how long were you with the NYPD before you left?

15 A Right around 11 years.

16 Q At the time that you left the department, what was your  
17 title?

18 A Detective.

19 Q And what did you do as a detective?

20 A In my last three years I did mainly check fraud, grand  
21 larceny, identity theft cases.

22 Q Were you assigned to a particular precinct?

23 A I was.

24 Q Which one was that?

25 A The Midtown North Precinct detective squad.

Mullins - Cross - Guadagnino

1329

1 Q What borough does that cover?

2 A That covers Manhattan.

3 Q Showing you what has been admitted as Government  
4 Exhibit 8.

5 Sir, do you recognize the individual in this photo?

6 A I do.

7 Q Who is he?

8 A Qawon Allen.

9 Q And how do you recognize him?

10 A I arrested him on June 21st, 2018.

11 Q For what reason?

12 A For a check fraud investigation.

13 Q And you indicated that you arrested him in June of 2018?

14 A Yes.

15 Q Where was he taken after he was arrested?

16 A To the Midtown North Precinct.

17 Q When he was taken to the precinct, what, if anything, did  
18 Qawon Allen ask for?

19 A He asked for a cigarette.

20 Q Did you provide one to him?

21 A I did.

22 Q Was it a brand new cigarette?

23 A Yes.

24 Q Did he smoke it?

25 A Yes, he did.



Mullins - Cross - Guadagnino

1330

1 Q What did you do with the remains of that cigarette?

2 A I vouchered that for DNA evidence.

3 Q And how did you voucher it?

4 A So you prepare it in an envelope and you do a property  
5 clerk invoice for that. And then you send that to the lab for  
6 processing.

7 Q Was the -- was it a cigarette butt?

8 A It was.

9 Q Was that assigned an invoice number with the NYPD?

10 A It was.

11 Q Do you recall that invoice number as you sit here today?

12 A Not offhand, no.

13 Q Did you know it at the time that you vouchered it?

14 A Yes.

15 Q And at that time, did you accurately record it down on  
16 any paperwork?

17 A I did.

18 Q And where did you record it?

19 A On NYPD property clerk papers.

20 MS. NGAI: Showing just the witness what is marked  
21 as 3500-JT4.

22 Q Is this the document that you were referring to?

23 A Yes.

24 Q And do you see the invoice number on this document?

25 A I do.

Mullins - Cross - Guadagnino

1331

1 MS. NGAI: Permission to have the witness read out  
2 the invoice number as a past recollection recorded?

3 THE COURT: Granted.

4 A 1001101450.

5 Q What, if anything, did you do with the cigarette butt  
6 after it was vouchered?

7 A It was sealed in a DNA envelope and sent to the lab for  
8 processing.

9 Q And which lab?

10 A I'm not sure, actually.

11 Q That's okay.

12 MS. NGAI: No further questions.

13 THE COURT: Any cross?

14 MR. GAUDAGNINO: May I have a moment, Your Honor.

15 THE COURT: Yes.

16 MR. GAUDAGNINO: No cross, Your Honor.

17 THE COURT: All right. Thank you, sir. You're  
18 excused.

19 THE WITNESS: Thank you.

20 THE COURT: Nice to see you.

21 (Witness excused.)

22 MS. NGAI: Your Honor, we have one final witness for  
23 the day.

24 THE COURT: All right. How long is that witness  
25 going to take?

Mullins - Cross - Guadagnino

1332

1 MS. NGAI: It could take up to 30 minutes, so we can  
2 complete it today or we can do it Monday.

3 THE COURT: Would the jurors like to go home? Yes?  
4 All right.

5 MS. NGAI: Just one moment. May I please check on  
6 the witness's availability?

7 THE COURT: All right. We'll have to check. One  
8 moment.

9 (Pause in proceedings.)

10 MS. NGAI: Your Honor, we can resume Monday.

11 THE COURT: All right. Members of the jury, thank  
12 you for your attention and your time. Do not talk about the  
13 case over the weekend. Do not research anything. Thank you  
14 for your service. Please return at 9:00 a.m. on Monday.  
15 Thank you.

16 (Jury exits.)

17 THE COURT: All right. Is there anything we need to  
18 address at this time?

19 MR. SIEGEL: Your Honor, the only question is how  
20 you want to schedule the charge conference.

21 THE COURT: Well, when you rest and when  
22 Mr. Guadagnino rests, we will have the charge conference. I  
23 don't know yet how many more witnesses you have. I don't know  
24 whether Mr. Guadagnino is going to put on a case. So the  
25 charge conference will follow resting of the parties.

Mullins - Cross - Guadagnino

1333

1 MR. SIEGEL: Thank you, Your Honor.

2 THE COURT: We are going to try to be ready on  
3 Monday. We will work over the weekend to make that possible.  
4 But if you do not think it is going to happen on Monday, maybe  
5 we will not work over the weekend.

6 MR. SIEGEL: So that's just what we're trying to not  
7 put any additional burden on the Court. I think we think it's  
8 likely that we have two hours worth of evidence between  
9 testimony and whatever other records we have. And so that's  
10 our best estimate right now and just wanted to let the Court  
11 know so you can, you know, orient yourself accordingly.

12 THE COURT: All right. So this is just without  
13 cross factored in, right?

14 MR. SIEGEL: That's without cross, yes, Your Honor.

15 THE COURT: Mr. Guadagnino, do you have any clearer  
16 idea as to whether we should factor in time for a defense case  
17 in our estimate of the charge conference time?

18 MR. GAUDAGNINO: I have to go see him on -- during  
19 the weekend.

20 THE COURT: Okay.

21 MR. GAUDAGNINO: I'm not sure how we're going to  
22 proceed.

23 THE COURT: All right.

24 MR. GAUDAGNINO: To be fair.

25 So if we do put on a case, I would say that probably

Mullins - Cross - Guadagnino

1334

1 everything should happen Tuesday morning.

2 THE COURT: So in other words, I am working over the  
3 weekend to be ready on Monday. I will be.

4 All right. Thank you. Have a good weekend,  
5 everybody.

6 Thank you to the marshals.

7 MR. SIEGEL: Your Honor, we're going to get you a  
8 letter on the prior inconsistent statements instruction.

9 THE COURT: Well, I got your letter, and  
10 Mr. Guadagnino has also given me the opportunity. I did get a  
11 letter from the government, I believe, yesterday on -- if I  
12 remember --

13 MR. GALEOTTI: We posted a lot of things, but I  
14 don't think it was the letter.

15 THE COURT: I think we did the last line. It was  
16 that this statement is admissible and in evidence.

17 And I don't know, sir, did you submit something?

18 MR. GAUDAGNINO: No, Your Honor. I think yesterday  
19 Your Honor had said that you would accept letters until  
20 7:00 p.m. today.

21 THE COURT: Did I say today or yesterday? Maybe I  
22 said today. All right. I will do that.

23 MR. GAUDAGNINO: I thought it was today, Your Honor.

24 THE COURT: That's fine. You have until seven.

25 Thank you.

Mullins - Cross - Guadagnino

1335

1 MR. GALEOTTI: So, Your Honor, the letter that you  
2 are referring to was part of our process with respect to the  
3 immunity where that is of the rule that we'll essentially  
4 cite, which is under 801(d)(1). We'll cite you the letter,  
5 but essentially that the Grand Jury testimony can come in as  
6 substantive evidence and we'll send the corresponding jury  
7 instruction.

8 THE COURT: Yes.

9 You are welcome to submit --

10 MR. GAUDAGNINO: Thank you.

11 MR. SIEGEL: We'll get you the letter.

12 What *Sand* recommends is that the standard  
13 instruction says that this is not admissible for a substance.  
14 What *Sand* says is where you're dealing with what we have here,  
15 which is evidence that is admissible, you should just not give  
16 that limiting instruction. So we'll get you the letter with  
17 the authority, but that's what you can expect.

18 THE COURT: All right. Thank you. I appreciate it.

19 MR. SIEGEL: Thank you, Your Honor.

20 THE COURT: Thank you. Have a good weekend.

21 MR. GALEOTTI: Thank you. You too.

22

23 (Matter adjourned to Monday, January 30, 2023 at  
24 9:00 a.m.)

25

I N D E XWITNESSPAGE**ANDREW CAMPBELL**

DIRECT EXAMINATION (Continuing) BY MS. NGAI 1066

CROSS-EXAMINATION BY MR. GUADAGNINO 1191

**ANDREW WALKER**

DIRECT EXAMINATION BY MR. GALEOTTI 1290

CROSS-EXAMINATION BY MR. GUADAGNINO 1303

**JOHN MULLINS**

DIRECT EXAMINATION BY MR. GALEOTTI 1308

VOIR DIRE EXAMINATION BY MR. GUADAGNINO 1311

CONTINUED DIRECT EXAMINATION BY MR. GALEOTTI 1313

CROSS-EXAMINATION BY MR. GUADAGNINO 1319

**JAMES THOMAS**

DIRECT EXAMINATION BY MS. NGAI 1328

E X H I B I T S

Government's Exhibit 18	1091
Government's Exhibit 13	1091
Government's Exhibit 4	1091
Government's Exhibit 18	1092
Government's Exhibits 1222A through 1222H	1093
Government Exhibit 702	1144
Government Exhibit 1150	1145
Government Exhibit 1106	1146
Government Exhibit 1106-A	1147
Government's Exhibit 3500-AC-1	1181
Government's Exhibit 904	1296
Government's Exhibit 601	1299
Government's Exhibits 403A, 404A, 405A, 406A, 407A, and 408A	1303
Government Exhibit 600	1312



<p style="text-align: center;"><b>\$</b></p> <p><b>\$1,500</b> [3] - 1242:17, 1243:2, 1243:7  <b>\$10,000</b> [2] - 1165:24, 1166:21  <b>\$100</b> [7] - 1219:20, 1219:21, 1219:22, 1219:25, 1220:2, 1220:3, 1222:4  <b>\$100,000</b> [1] - 1165:23  <b>\$15,000</b> [1] - 1221:3  <b>\$2,200</b> [2] - 1165:5, 1165:8  <b>\$200</b> [5] - 1223:2, 1243:8, 1243:10, 1243:11  <b>\$50</b> [1] - 1164:23  <b>\$50,000</b> [5] - 1166:21, 1226:5, 1227:1, 1282:1, 1282:16</p>	<p><b>1222A</b> [6] - 1093:9, 1093:11, 1093:13, 1093:17, 1093:21, 1337:6  <b>1222E</b> [2] - 1096:21, 1097:11  <b>1222H</b> [3] - 1093:12, 1093:13, 1337:6  <b>1223</b> [1] - 1095:10  <b>1228-H</b> [1] - 1123:2  <b>122A</b> [1] - 1092:7  <b>1290</b> [1] - 1336:8  <b>1296</b> [1] - 1337:12  <b>1299</b> [1] - 1337:13  <b>13</b> [17] - 1088:16, 1091:13, 1091:15, 1091:17, 1102:18, 1135:24, 1136:2, 1136:3, 1137:23, 1137:25, 1195:7, 1235:24, 1237:17, 1237:20, 1237:21, 1337:3  <b>1303</b> [2] - 1336:9, 1337:15  <b>1308</b> [1] - 1336:11  <b>1311</b> [1] - 1336:12  <b>1312</b> [1] - 1337:16  <b>1313</b> [1] - 1336:13  <b>1319</b> [1] - 1336:14  <b>1328</b> [1] - 1336:16  <b>14</b> [4] - 1136:18, 1138:12, 1195:7, 1284:20  <b>15</b> [8] - 1087:23, 1115:5, 1138:20, 1138:24, 1197:3, 1197:4, 1238:19  <b>16</b> [5] - 1115:5, 1197:4, 1197:15, 1238:19, 1238:20  <b>17</b> [7] - 1139:13, 1139:16, 1197:12, 1197:14, 1197:15, 1208:1, 1238:22  <b>17:33</b> [1] - 1262:6  <b>18</b> [12] - 1089:11, 1090:17, 1090:23, 1091:1, 1091:3, 1092:1, 1092:3, 1139:21, 1208:1, 1238:25, 1337:2, 1337:5  <b>19</b> [5] - 1085:12, 1087:6, 1139:23, 1189:11, 1257:1  <b>1991</b> [1] - 1308:23  <b>1995</b> [1] - 1195:5  <b>1997</b> [1] - 1195:4  <b>19th</b> [1] - 1270:17</p>	<p><b>2016</b> [1] - 1081:2  <b>2017</b> [2] - 1081:2, 1248:14  <b>2018</b> [17] - 1076:21, 1076:23, 1077:23, 1078:2, 1079:1, 1156:3, 1244:1, 1244:13, 1247:13, 1248:10, 1248:14, 1249:7, 1249:8, 1274:1, 1274:2, 1329:10, 1329:13  <b>2019</b> [23] - 1077:2, 1078:9, 1078:10, 1078:24, 1079:1, 1083:6, 1092:24, 1124:1, 1136:18, 1248:13, 1248:14, 1248:20, 1248:21, 1248:22, 1249:10, 1253:3, 1256:24, 1257:2, 1257:3, 1267:19, 1270:21, 1270:22  <b>2020</b> [27] - 1084:8, 1141:19, 1146:18, 1198:2, 1202:22, 1247:18, 1252:3, 1252:11, 1252:12, 1252:14, 1252:22, 1253:1, 1253:8, 1253:10, 1256:16, 1256:20, 1256:24, 1257:5, 1257:6, 1257:7, 1267:22, 1270:12, 1271:21, 1273:22  <b>2021</b> [5] - 1236:7, 1252:4, 1252:5, 1252:6, 1252:14  <b>2023</b> [2] - 1058:7, 1335:23  <b>21</b> [5] - 1140:5, 1237:17, 1237:21, 1239:21, 1274:1  <b>216A</b> [1] - 1160:19  <b>21st</b> [1] - 1329:10  <b>22</b> [2] - 1140:12  <b>23rd</b> [7] - 1156:3, 1247:18, 1252:11, 1252:12, 1253:8, 1253:10, 1256:16  <b>24</b> [5] - 1205:1, 1205:7, 1244:1, 1244:13, 1275:11  <b>25</b> [4] - 1154:24, 1154:25, 1156:5, 1218:19  <b>26</b> [1] - 1156:5  <b>27</b> [5] - 1058:7, 1156:11, 1195:2, 1197:11, 1208:7  <b>271</b> [1] - 1058:16  <b>28</b> [3] - 1156:21, 1248:10, 1274:2  <b>29</b> [2] - 1156:23, 1308:19  <b>2:00</b> [1] - 1189:24  <b>2:10</b> [2] - 1172:19, 1174:2</p>
<p style="text-align: center;"><b>'</b></p>		
<p><b>'18</b> [1] - 1168:22  <b>'19</b> [2] - 1092:23, 1106:6  <b>'95</b> [1] - 1195:6</p>		
<p style="text-align: center;"><b>1</b></p>	<p style="text-align: center;"><b>2</b></p>	<p style="text-align: center;"><b>3</b></p>
<p><b>1</b> [1] - 1072:20  <b>10</b> [4] - 1081:23, 1081:25, 1220:24, 1221:3  <b>10,000</b> [2] - 1226:16, 1227:10  <b>10005</b> [1] - 1058:20  <b>1001101450</b> [1] - 1331:4  <b>1023</b> [1] - 1154:13  <b>1066</b> [1] - 1336:5  <b>1091</b> [3] - 1337:2, 1337:3, 1337:4  <b>1092</b> [1] - 1337:5  <b>1093</b> [1] - 1337:6  <b>11</b> [4] - 1273:22, 1320:14, 1320:15, 1328:15  <b>1102</b> [2] - 1171:18, 1172:6  <b>1106</b> [8] - 1146:7, 1146:8, 1146:21, 1146:23, 1146:24, 1148:14, 1337:9  <b>1106-A</b> [7] - 1147:1, 1147:15, 1147:17, 1147:18, 1147:20, 1216:9, 1337:10  <b>11201</b> [1] - 1058:16  <b>1136-A</b> [1] - 1146:7  <b>1144</b> [1] - 1337:7  <b>1145</b> [1] - 1337:8  <b>1146</b> [1] - 1337:9  <b>1147</b> [1] - 1337:10  <b>1150</b> [5] - 1145:3, 1145:18, 1145:20, 1145:21, 1337:8  <b>1181</b> [1] - 1337:11  <b>1191</b> [1] - 1336:6  <b>12</b> [3] - 1319:12, 1319:18, 1323:20  <b>1204</b> [1] - 1237:16  <b>1204-A</b> [7] - 1135:13, 1137:3, 1137:19, 1137:22, 1140:19, 1237:19, 1237:20  <b>1222</b> [2] - 1123:3, 1123:5  <b>1222-A</b> [3] - 1123:5, 1123:6, 1127:19  <b>1222-D</b> [3] - 1233:7, 1233:9, 1234:6  <b>1222-E</b> [1] - 1234:25  <b>1222-H</b> [3] - 1104:10, 1123:5, 1123:6</p>	<p><b>2</b> [5] - 1068:18, 1188:11, 1313:20, 1314:2, 1322:19  <b>2.5</b> [2] - 1150:21, 1218:25  <b>20</b> [6] - 1123:2, 1169:20, 1239:18, 1276:5, 1276:9, 1319:12  <b>20-CR-00213(KAM)</b> [1] - 1058:3  <b>20-cr-213</b> [1] - 1059:5  <b>2000</b> [3] - 1192:7, 1192:8, 1195:2  <b>2007</b> [1] - 1304:12  <b>2009</b> [3] - 1192:7, 1194:16, 1195:2  <b>2011</b> [10] - 1192:8, 1308:24, 1309:1, 1309:3, 1309:5, 1309:11, 1311:2, 1313:3, 1314:25, 1316:13  <b>2012</b> [2] - 1197:9, 1316:25  <b>2013</b> [1] - 1197:9  <b>2015</b> [1] - 1203:25</p>	<p><b>3</b> [3] - 1062:6, 1063:25, 1322:19  <b>30</b> [10] - 1058:20, 1157:10, 1169:20, 1183:6, 1183:7, 1183:8, 1184:22, 1186:2, 1332:1, 1335:23  <b>302</b> [3] - 1259:6, 1259:8, 1259:10  <b>30th</b> [1] - 1316:13  <b>31</b> [1] - 1157:10  <b>3500-AC-1</b> [5] - 1180:16, 1181:5, 1181:7, 1181:9, 1337:11  <b>3500-AC-48</b> [1] - 1262:5  <b>3500-DB-4</b> [1] - 1189:7  <b>3500-DB-6</b> [1] - 1189:8  <b>3500-DM2</b> [1] - 1315:11  <b>3500-JM-1-A</b> [1] - 1315:17  <b>3500-JM-1A</b> [1] - 1325:21</p>

<b>3500-JM-3</b> [1] - 1315:13 <b>3500-JT4</b> [1] - 1330:21 <b>35283910827404</b> [1] - 1145:23 <b>352839110912172</b> [1] - 1146:5	1267:13 <b>75th</b> [2] - 1272:4, 1309:7 <b>7:00</b> [1] - 1334:20	<b>accommodating</b> [1] - 1258:13 <b>according</b> [1] - 1293:2 <b>accordingly</b> [4] - 1062:11, 1135:5, 1297:21, 1333:11 <b>account</b> [4] - 1175:11, 1175:13, 1175:15, 1199:24 <b>accounts</b> [1] - 1175:9 <b>accurate</b> [7] - 1093:1, 1093:6, 1123:25, 1181:1, 1256:22, 1295:16, 1298:25 <b>accurately</b> [3] - 1146:17, 1302:12, 1330:15 <b>Ace</b> [13] - 1106:9, 1107:12, 1107:14, 1107:15, 1107:17, 1108:13, 1109:11, 1110:3, 1110:13, 1138:10, 1138:19, 1140:11, 1210:15 <b>Ace's</b> [1] - 1108:16 <b>achieve</b> [1] - 1279:16 <b>achieved</b> [1] - 1131:14 <b>acknowledging</b> [1] - 1261:12 <b>acquitted</b> [2] - 1285:5, 1285:22 <b>act</b> [3] - 1202:7, 1218:6, 1274:25 <b>acted</b> [1] - 1218:3 <b>acting</b> [10] - 1197:16, 1197:19, 1199:7, 1199:12, 1199:20, 1199:21, 1201:18, 1202:5, 1202:6, 1208:21 <b>action</b> [1] - 1117:14 <b>actions</b> [1] - 1116:15 <b>active</b> [1] - 1074:17 <b>activity</b> [2] - 1182:9, 1243:23 <b>actor</b> [2] - 1199:9, 1286:17 <b>actual</b> [4] - 1114:9, 1124:14, 1259:10, 1275:10 <b>acupuncture</b> [2] - 1231:17, 1231:22 <b>acupunctured</b> [1] - 1232:3 <b>ADA</b> [1] - 1189:13 <b>Adam</b> [11] - 1107:12, 1107:14, 1107:15, 1108:21, 1108:23, 1110:6, 1110:7, 1140:11, 1140:16, 1140:23 <b>add</b> [3] - 1128:3, 1128:4, 1243:18 <b>added</b> [1] - 1226:14 <b>addition</b> [2] - 1162:20, 1300:23 <b>additional</b> [7] - 1126:22, 1165:11, 1181:15, 1181:19, 1182:1, 1183:3, 1333:7 <b>address</b> [4] - 1075:17, 1099:17, 1306:13, 1332:18 <b>addressed</b> [4] - 1075:19, 1104:14, 1104:15, 1105:2 <b>addresses</b> [1] - 1108:25 <b>adequate</b> [1] - 1265:9 <b>Adidas</b> [2] - 1253:22 <b>adjourned</b> [1] - 1335:23 <b>administer</b> [2] - 1321:16, 1321:17 <b>administered</b> [6] - 1313:4, 1313:15, 1316:11, 1316:22, 1320:8, 1320:11 <b>administrative</b> [3] - 1062:12, 1190:6, 1190:8 <b>admissible</b> [5] - 1123:16, 1127:4, 1334:16, 1335:13, 1335:15
<b>4</b>	<b>8</b>	
<b>4</b> [17] - 1059:7, 1059:12, 1060:9, 1061:15, 1062:7, 1063:10, 1063:25, 1064:2, 1064:3, 1082:13, 1091:18, 1091:23, 1091:25, 1124:5, 1126:15, 1254:4, 1337:4 <b>4-10275</b> [1] - 1174:4 <b>40</b> [1] - 1087:2 <b>403A</b> [7] - 1301:13, 1301:25, 1302:11, 1302:15, 1303:12, 1303:14, 1337:14 <b>404A</b> [5] - 1301:13, 1302:15, 1303:12, 1303:14, 1337:14 <b>405A</b> [5] - 1301:13, 1302:16, 1303:12, 1303:14, 1337:14 <b>406A</b> [5] - 1301:13, 1302:16, 1303:12, 1303:14, 1337:15 <b>407A</b> [5] - 1301:13, 1302:16, 1303:12, 1303:14, 1337:15 <b>408A</b> [8] - 1301:13, 1301:15, 1301:25, 1302:11, 1302:16, 1303:12, 1303:15, 1337:15	<b>8</b> [1] - 1329:4 <b>8/12/07</b> [1] - 1300:18 <b>800</b> [7] - 1067:9, 1067:11, 1067:16, 1067:24, 1071:15, 1072:13, 1082:10 <b>800A</b> [1] - 1082:21 <b>801(d)(1)</b> [1] - 1335:4 <b>801(d)(1)(A)</b> [1] - 1189:6 <b>803</b> [3] - 1082:23, 1090:18, 1136:14 <b>83</b> [1] - 1196:6 <b>83rd</b> [4] - 1196:2, 1196:3, 1196:7 <b>8608</b> [1] - 1300:20 <b>8th</b> [1] - 1058:20	
	<b>9</b>	
	<b>9</b> [6] - 1189:11, 1256:19, 1256:24, 1311:2, 1313:3 <b>902(4)</b> [1] - 1189:6 <b>904</b> [5] - 1296:1, 1296:16, 1296:20, 1296:21, 1337:12 <b>929-421</b> [1] - 1136:9 <b>929-421-9537</b> [1] - 1136:8 <b>9537</b> [1] - 1136:10 <b>9:00</b> [3] - 1058:8, 1332:14, 1335:24 <b>9th</b> [6] - 1309:11, 1310:10, 1311:16, 1311:17, 1314:25, 1316:1	
<b>5</b>	<b>A</b>	
<b>5</b> [2] - 1220:24, 1221:3 <b>5/9/11</b> [1] - 1311:4 <b>50</b> [1] - 1109:2 <b>50,000</b> [5] - 1165:23, 1226:8, 1226:9, 1226:18, 1226:23 <b>500</b> [1] - 1165:11 <b>59</b> [1] - 1070:1 <b>5K</b> [18] - 1183:22, 1183:24, 1183:25, 1184:4, 1184:5, 1184:11, 1184:23, 1284:15, 1284:18, 1284:25, 1285:17, 1285:19, 1285:21, 1286:24, 1287:2, 1287:5, 1287:13 <b>5K1</b> [6] - 1183:20, 1184:17, 1185:21, 1284:24, 1285:9, 1285:23	<b>a...</b> [1] - 1275:3 <b>a.m</b> [3] - 1058:8, 1332:14, 1335:24 <b>abandon</b> [1] - 1266:8 <b>able</b> [13] - 1060:9, 1060:14, 1060:18, 1060:19, 1064:14, 1085:6, 1085:7, 1109:17, 1127:17, 1200:3, 1230:6, 1311:19, 1315:5 <b>abuse</b> [1] - 1308:14 <b>academy</b> [1] - 1292:15 <b>accept</b> [1] - 1334:19 <b>accepted</b> [1] - 1193:23 <b>accepting</b> [2] - 1101:24, 1101:25 <b>access</b> [7] - 1200:8, 1200:9, 1295:8, 1295:9, 1298:17, 1302:8, 1303:1 <b>accident</b> [13] - 1166:20, 1167:2, 1167:5, 1177:17, 1178:17, 1179:9, 1227:16, 1227:20, 1229:8, 1279:8, 1281:22, 1281:25, 1282:10 <b>accidental</b> [1] - 1062:19 <b>accidents</b> [20] - 1164:8, 1166:3, 1166:17, 1177:4, 1177:20, 1178:13, 1179:18, 1179:21, 1224:19, 1224:21, 1225:23, 1277:10, 1280:2, 1280:7, 1280:11, 1283:13, 1283:14, 1283:18, 1283:22, 1283:25	
<b>6</b>		
<b>600</b> [9] - 1310:21, 1310:24, 1311:7, 1312:24, 1312:25, 1313:23, 1322:8, 1322:12, 1337:16 <b>601</b> [8] - 1298:9, 1298:11, 1299:4, 1299:14, 1299:18, 1300:1, 1304:2, 1337:13		
<b>7</b>		
<b>702</b> [6] - 1144:11, 1144:13, 1144:18, 1144:20, 1144:21, 1337:7 <b>718-613-2272</b> [1] - 1058:23 <b>75</b> [4] - 1247:22, 1247:23, 1253:17,		

**admission** [6] - 1128:12, 1296:25, 1297:3, 1300:9, 1304:18, 1304:19  
**admissions** [2] - 1297:11, 1298:5  
**admit** [14] - 1124:19, 1125:9, 1144:18, 1147:14, 1179:14, 1182:15, 1182:18, 1261:6, 1261:9, 1263:9, 1263:12, 1296:16, 1297:16, 1299:14  
**admits** [1] - 1298:15  
**admitted** [30] - 1067:8, 1072:19, 1082:13, 1087:5, 1087:22, 1088:15, 1091:12, 1091:20, 1091:23, 1092:1, 1102:19, 1104:10, 1124:13, 1125:14, 1135:14, 1154:12, 1160:18, 1171:15, 1178:12, 1181:23, 1226:7, 1274:4, 1299:16, 1300:5, 1300:18, 1300:19, 1303:13, 1304:3, 1312:24, 1329:3  
**admitting** [2] - 1125:6, 1259:23  
**advanced** [2] - 1242:16, 1242:17  
**advice** [1] - 1130:20  
**advise** [3] - 1062:5, 1063:1, 1063:10  
**advised** [1] - 1064:7  
**advises** [1] - 1061:15  
**affect** [2] - 1125:4, 1128:11  
**affects** [1] - 1064:17  
**affiliated** [2] - 1297:14, 1298:15  
**affiliation** [3] - 1089:3, 1293:3, 1293:5  
**affirm** [2] - 1264:17  
**afraid** [3] - 1237:12, 1237:23, 1240:16  
**Africa** [1] - 1252:2  
**afternoon** [15] - 1190:1, 1191:11, 1191:12, 1206:15, 1303:25, 1304:1, 1306:25, 1307:1, 1308:8, 1308:9, 1311:12, 1311:13, 1319:7, 1328:7, 1328:8  
**age** [1] - 1112:25  
**agency** [4] - 1061:18, 1291:5, 1291:6, 1308:12  
**agent** [5] - 1145:11, 1145:13, 1251:17, 1254:16, 1256:16  
**agents** [5] - 1176:13, 1264:8, 1265:3, 1287:21, 1288:8  
**aggressively** [1] - 1143:5  
**ago** [6] - 1208:3, 1251:24, 1251:25, 1319:12, 1319:18, 1323:20  
**agree** [11] - 1067:18, 1067:23, 1100:17, 1100:18, 1180:12, 1202:7, 1230:10, 1256:7, 1323:4  
**agreed** [4] - 1100:19, 1156:9, 1180:13, 1272:18  
**agreeing** [1] - 1131:17  
**agreement** [26] - 1062:25, 1100:13, 1179:23, 1180:9, 1180:12, 1180:20, 1180:24, 1181:2, 1181:11, 1182:5, 1182:6, 1182:15, 1182:18, 1183:19, 1272:13, 1272:15, 1272:18, 1273:4, 1273:7, 1273:9, 1273:17, 1273:20, 1274:16, 1285:8, 1286:23, 1287:1  
**agrees** [1] - 1189:3  
**ahead** [6] - 1118:10, 1125:2, 1228:12, 1267:9, 1279:19, 1315:23

**aid** [1] - 1315:5  
**aide** [6] - 1059:18, 1060:19, 1061:16, 1061:17, 1061:20  
**aided** [1] - 1058:25  
**aight** [2] - 1142:12, 1149:4  
**Aight** [1] - 1156:22  
**ain't** [6] - 1132:23, 1134:8, 1134:9, 1158:24  
**Air** [1] - 1094:6  
**AK** [7] - 1070:12, 1070:18, 1074:3, 1074:23, 1118:4, 1142:13, 1174:4  
**AK-47** [1] - 1086:12  
**aka** [1] - 1300:20  
**AKs** [2] - 1112:17, 1112:19  
**Al** [1] - 1108:5  
**Albany** [2] - 1292:2, 1292:8  
**alive** [1] - 1236:3  
**Allah** [1] - 1070:16  
**alleged** [1] - 1114:8  
**Allen** [2] - 1329:8, 1329:18  
**allowed** [1] - 1103:16  
**allowing** [1] - 1101:23  
**allows** [1] - 1264:23  
**almost** [1] - 1257:6  
**alone** [2] - 1107:23, 1115:11  
**alternate** [3] - 1062:6, 1063:16, 1063:25  
**altogether** [1] - 1273:13  
**amazing** [1] - 1199:9  
**amenable** [1] - 1060:15  
**AMERICA** [1] - 1058:3  
**America** [1] - 1224:3  
**amount** [1] - 1118:1  
**amputated** [1] - 1319:17  
**Andrew** [5] - 1064:25, 1082:24, 1242:3, 1289:9, 1289:14  
**ANDREW** [5] - 1066:1, 1289:14, 1290:1, 1336:4, 1336:7  
**anesthesia** [2] - 1229:22, 1231:7  
**anger** [1] - 1143:16  
**answer** [5] - 1080:11, 1104:18, 1135:2, 1269:2, 1327:2  
**answered** [3] - 1276:11, 1283:8, 1288:17  
**answering** [1] - 1267:16  
**anticipates** [1] - 1064:9  
**anxiety** [6] - 1203:21, 1204:23, 1205:11, 1205:13, 1269:6, 1269:8  
**apartment** [1] - 1220:15  
**ape** [8] - 1141:23, 1142:3, 1217:14, 1217:15, 1217:18, 1217:22, 1217:23, 1217:24  
**apologies** [2] - 1082:23, 1178:18  
**apologize** [1] - 1172:23  
**appear** [1] - 1313:5  
**appeared** [1] - 1123:24  
**appreciate** [4] - 1064:4, 1065:4, 1266:6, 1335:18  
**appreciative** [1] - 1266:7  
**apprised** [1] - 1062:24

**approach** [2] - 1227:19, 1295:22  
**approached** [4] - 1076:8, 1076:10, 1219:10, 1219:11  
**appropriate** [5] - 1124:19, 1127:1, 1127:9, 1189:14, 1264:13  
**appropriately** [1] - 1127:8  
**approve** [1] - 1084:17  
**April** [4] - 1257:6, 1309:1, 1316:13, 1319:13  
**area** [10] - 1073:13, 1079:20, 1160:12, 1195:23, 1197:4, 1205:2, 1243:6, 1294:9, 1299:20, 1301:21  
**areas** [3] - 1071:22, 1071:24, 1293:6  
**argue** [1] - 1126:24  
**argument** [5] - 1123:22, 1127:2, 1128:10, 1128:20, 1132:8  
**armpit** [1] - 1236:18  
**Army** [1] - 1069:24  
**arrange** [2] - 1060:10, 1060:14  
**array** [18] - 1309:19, 1310:15, 1310:16, 1310:18, 1311:1, 1312:3, 1312:6, 1313:4, 1313:7, 1313:8, 1313:15, 1314:8, 1314:10, 1314:13, 1314:19, 1316:11, 1316:23, 1321:17  
**arrest** [7] - 1124:4, 1125:12, 1126:17, 1126:18, 1127:8, 1175:8, 1287:24  
**arrested** [30] - 1126:16, 1144:25, 1176:9, 1176:17, 1181:12, 1183:3, 1246:17, 1247:16, 1248:18, 1248:19, 1250:7, 1263:18, 1264:4, 1265:3, 1267:19, 1267:21, 1268:3, 1268:21, 1269:9, 1270:17, 1270:18, 1270:19, 1270:22, 1272:25, 1287:19, 1287:25, 1288:1, 1329:10, 1329:13, 1329:15  
**arrests** [3] - 1326:2, 1326:19, 1327:7  
**arrived** [1] - 1126:14  
**ass** [2] - 1117:22, 1202:22  
**Assassin** [3] - 1068:9, 1068:18, 1300:19  
**assault** [8] - 1112:11, 1112:14, 1211:15, 1211:17, 1211:18, 1213:2, 1241:25, 1256:5  
**asserted** [1] - 1261:17  
**assessing** [1] - 1297:23  
**assigned** [17] - 1291:7, 1309:10, 1309:14, 1309:18, 1309:25, 1310:6, 1317:2, 1317:4, 1317:7, 1325:6, 1326:1, 1326:6, 1326:7, 1326:16, 1327:4, 1328:22, 1330:9  
**assigning** [1] - 1128:24  
**assist** [1] - 1309:9  
**assistance** [1] - 1223:15  
**Assistant** [1] - 1058:18  
**assisted** [1] - 1166:1  
**associate** [5] - 1072:10, 1111:22, 1195:18, 1207:22, 1260:6  
**associated** [3] - 1072:11, 1082:7, 1167:6  
**assume** [2] - 1309:24, 1310:5  
**assumption** [1] - 1310:3  
**assure** [2] - 1062:17, 1314:9

<p><b>Aston</b> <sup>[1]</sup> - 1070:1  <b>attaches</b> <sup>[1]</sup> - 1259:10  <b>attack</b> <sup>[2]</sup> - 1113:22, 1205:11  <b>attacks</b> <sup>[1]</sup> - 1205:13  <b>attained</b> <sup>[1]</sup> - 1086:19  <b>attempted</b> <sup>[4]</sup> - 1176:5, 1176:6, 1248:23, 1252:8  <b>attendance</b> <sup>[1]</sup> - 1173:8  <b>attended</b> <sup>[2]</sup> - 1077:15, 1077:17  <b>attention</b> <sup>[17]</sup> - 1064:5, 1121:23, 1141:18, 1164:17, 1178:20, 1193:16, 1193:18, 1193:21, 1201:16, 1201:17, 1258:6, 1306:10, 1309:11, 1310:23, 1316:10, 1317:17, 1332:12  <b>Attica</b> <sup>[15]</sup> - 1105:13, 1105:18, 1105:20, 1105:21, 1105:23, 1106:3, 1106:8, 1106:24, 1108:13, 1110:17, 1138:7, 1140:24, 1149:14, 1237:4, 1238:5  <b>Attorney</b> <sup>[1]</sup> - 1058:15  <b>attorney's</b> <sup>[1]</sup> - 1277:16  <b>Attorneys</b> <sup>[1]</sup> - 1058:18  <b>attorneys</b> <sup>[1]</sup> - 1280:1  <b>audible</b> <sup>[1]</sup> - 1262:25  <b>audio</b> <sup>[4]</sup> - 1258:21, 1258:22, 1258:23, 1293:21  <b>authenticate</b> <sup>[1]</sup> - 1302:24  <b>authenticated</b> <sup>[4]</sup> - 1123:24, 1126:5, 1127:3, 1128:15  <b>authentication</b> <sup>[2]</sup> - 1126:5, 1311:22  <b>authority</b> <sup>[1]</sup> - 1335:17  <b>authorize</b> <sup>[1]</sup> - 1260:5  <b>authorized</b> <sup>[1]</sup> - 1266:4  <b>automatically</b> <sup>[1]</sup> - 1228:7  <b>availability</b> <sup>[1]</sup> - 1332:6  <b>available</b> <sup>[2]</sup> - 1061:16, 1309:25  <b>Avenue</b> <sup>[3]</sup> - 1113:12, 1196:4, 1196:19  <b>avoiding</b> <sup>[2]</sup> - 1134:18, 1135:7  <b>award</b> <sup>[1]</sup> - 1279:12  <b>aware</b> <sup>[4]</sup> - 1127:13, 1152:15, 1229:21, 1300:24  <b>awhile</b> <sup>[2]</sup> - 1131:14, 1142:13  <b>awkward</b> <sup>[1]</sup> - 1107:19</p>	<p><b>Band</b> <sup>[2]</sup> - 1153:25, 1154:10  <b>bandana</b> <sup>[7]</sup> - 1206:16, 1206:19, 1207:1, 1207:2, 1207:5, 1207:10, 1207:17  <b>banging</b> <sup>[1]</sup> - 1186:13  <b>Bantum</b> <sup>[1]</sup> - 1290:15  <b>Bar</b> <sup>[2]</sup> - 1241:23, 1242:5  <b>barely</b> <sup>[1]</sup> - 1109:17  <b>bars</b> <sup>[1]</sup> - 1275:10  <b>based</b> <sup>[11]</sup> - 1102:12, 1173:7, 1173:9, 1212:22, 1218:3, 1271:1, 1272:25, 1294:16, 1302:18, 1302:23, 1323:9  <b>basis</b> <sup>[6]</sup> - 1124:19, 1126:1, 1127:9, 1127:20, 1129:1, 1326:21  <b>Bdubs</b> <sup>[2]</sup> - 1148:22, 1149:5  <b>beads</b> <sup>[5]</sup> - 1114:6, 1114:7, 1114:9, 1114:10  <b>Bean</b> <sup>[7]</sup> - 1071:17, 1071:25, 1072:1, 1072:3, 1072:11, 1196:22, 1196:24  <b>bear</b> <sup>[1]</sup> - 1134:13  <b>beat</b> <sup>[13]</sup> - 1116:1, 1117:11, 1118:5, 1118:16, 1143:21, 1144:7, 1149:7, 1212:1, 1213:16, 1214:5, 1214:12, 1215:3, 1215:22  <b>beat-up</b> <sup>[1]</sup> - 1149:7  <b>beating</b> <sup>[6]</sup> - 1115:13, 1117:22, 1120:10, 1143:23, 1143:24, 1213:14  <b>Bebop</b> <sup>[1]</sup> - 1068:18  <b>became</b> <sup>[3]</sup> - 1078:21, 1131:11, 1197:7  <b>become</b> <sup>[2]</sup> - 1292:22, 1308:22  <b>Bed</b> <sup>[1]</sup> - 1099:5  <b>bed</b> <sup>[6]</sup> - 1107:5, 1139:22, 1141:2, 1141:4, 1239:1  <b>Bed-Stuy</b> <sup>[1]</sup> - 1099:5  <b>beef</b> <sup>[3]</sup> - 1117:3, 1154:4, 1293:4  <b>Beef</b> <sup>[1]</sup> - 1154:5  <b>beefing</b> <sup>[1]</sup> - 1154:3  <b>been..</b> <sup>[1]</sup> - 1090:20  <b>BEFORE</b> <sup>[1]</sup> - 1058:12  <b>beg</b> <sup>[1]</sup> - 1317:23  <b>began</b> <sup>[2]</sup> - 1182:21, 1290:12  <b>begin</b> <sup>[3]</sup> - 1064:15, 1064:23, 1065:5  <b>beginning</b> <sup>[2]</sup> - 1153:19, 1267:6  <b>behalf</b> <sup>[2]</sup> - 1125:20, 1128:20  <b>behavioral</b> <sup>[1]</sup> - 1192:23  <b>behind</b> <sup>[7]</sup> - 1109:23, 1110:14, 1110:16, 1130:8, 1151:21, 1198:11, 1275:10  <b>believable</b> <sup>[1]</sup> - 1216:22  <b>believes</b> <sup>[2]</sup> - 1061:21, 1128:4  <b>belonged</b> <sup>[2]</sup> - 1126:24, 1149:10  <b>belonging</b> <sup>[2]</sup> - 1124:4, 1125:23  <b>below</b> <sup>[4]</sup> - 1160:6, 1160:7, 1184:11, 1184:15  <b>benefit</b> <sup>[3]</sup> - 1215:16, 1215:18, 1225:16  <b>benzodiazepine</b> <sup>[1]</sup> - 1157:25  <b>beside</b> <sup>[2]</sup> - 1094:24, 1256:5  <b>best</b> <sup>[7]</sup> - 1122:16, 1159:17, 1204:7, 1208:14, 1208:15, 1304:19, 1333:10  <b>better</b> <sup>[2]</sup> - 1061:4, 1206:4</p>	<p><b>between</b> <sup>[18]</sup> - 1087:16, 1087:18, 1102:22, 1136:6, 1136:20, 1154:6, 1189:13, 1247:24, 1248:22, 1249:1, 1249:15, 1253:12, 1255:15, 1255:17, 1255:20, 1274:1, 1309:8, 1333:8  <b>Between</b> <sup>[2]</sup> - 1137:7, 1137:8  <b>beyond</b> <sup>[1]</sup> - 1141:11  <b>bias</b> <sup>[1]</sup> - 1264:21  <b>biased</b> <sup>[1]</sup> - 1131:16  <b>Big</b> <sup>[1]</sup> - 1079:4  <b>big</b> <sup>[20]</sup> - 1074:17, 1074:18, 1075:10, 1075:14, 1077:24, 1078:3, 1080:8, 1080:10, 1090:4, 1100:7, 1109:23, 1113:7, 1159:20, 1170:6, 1211:25, 1212:2, 1212:18, 1221:1, 1223:5, 1240:3  <b>bigger</b> <sup>[4]</sup> - 1235:7, 1237:25, 1282:15, 1282:23  <b>biggest</b> <sup>[1]</sup> - 1256:9  <b>Biggie</b> <sup>[6]</sup> - 1113:1, 1113:20, 1118:12, 1211:23  <b>Biggy</b> <sup>[4]</sup> - 1167:1, 1167:4, 1167:14  <b>bill</b> <sup>[3]</sup> - 1232:18, 1232:19, 1232:20  <b>Billion</b> <sup>[2]</sup> - 1103:8, 1103:10  <b>bit</b> <sup>[15]</sup> - 1099:7, 1100:20, 1158:2, 1165:12, 1167:17, 1206:13, 1219:2, 1222:24, 1232:10, 1235:4, 1241:18, 1242:17, 1252:20, 1299:23  <b>Bitcoins</b> <sup>[1]</sup> - 1232:11  <b>Black</b> <sup>[1]</sup> - 1118:3  <b>black</b> <sup>[2]</sup> - 1228:2, 1228:10  <b>blacks</b> <sup>[1]</sup> - 1120:10  <b>blank</b> <sup>[1]</sup> - 1085:17  <b>Bless</b> <sup>[5]</sup> - 1100:17, 1101:3, 1101:4, 1103:20, 1236:21  <b>blew</b> <sup>[1]</sup> - 1226:16  <b>block</b> <sup>[5]</sup> - 1151:10, 1151:13, 1219:10, 1219:22, 1258:19  <b>blood</b> <sup>[5]</sup> - 1093:24, 1120:21, 1120:22, 1198:19, 1198:24  <b>Blood</b> <sup>[20]</sup> - 1066:21, 1066:25, 1067:4, 1068:2, 1069:24, 1090:3, 1117:10, 1117:12, 1117:13, 1120:1, 1120:5, 1121:1, 1121:6, 1170:4, 1195:13, 1207:15, 1213:23, 1300:18  <b>Bloods</b> <sup>[4]</sup> - 1066:24, 1067:3, 1067:6, 1069:21  <b>blow</b> <sup>[3]</sup> - 1148:19, 1235:3, 1299:20  <b>blown</b> <sup>[1]</sup> - 1162:10  <b>blue</b> <sup>[2]</sup> - 1094:8, 1214:20  <b>bluff</b> <sup>[1]</sup> - 1152:8  <b>blur</b> <sup>[1]</sup> - 1103:15  <b>board</b> <sup>[11]</sup> - 1081:19, 1081:20, 1082:3, 1091:2, 1091:10, 1092:2, 1105:15, 1133:23, 1234:22, 1249:22, 1249:23  <b>Body</b> <sup>[3]</sup> - 1071:16, 1072:8, 1072:9  <b>book</b> <sup>[1]</sup> - 1319:21  <b>booking</b> <sup>[3]</sup> - 1275:15, 1294:12, 1295:5  <b>boom</b> <sup>[1]</sup> - 1228:9  <b>booze</b> <sup>[2]</sup> - 1210:8, 1210:9</p>
<p style="text-align: center;"><b>B</b></p> <p><b>B/Bebo</b> <sup>[1]</sup> - 1300:20  <b>baby</b> <sup>[1]</sup> - 1195:12  <b>baby's</b> <sup>[1]</sup> - 1195:14  <b>backed</b> <sup>[2]</sup> - 1152:6, 1219:16  <b>background</b> <sup>[1]</sup> - 1317:18  <b>backyard</b> <sup>[2]</sup> - 1120:18, 1120:19  <b>bad</b> <sup>[13]</sup> - 1107:6, 1141:6, 1144:4, 1178:15, 1184:8, 1198:3, 1203:23, 1203:24, 1203:25, 1230:7, 1269:20, 1278:25  <b>bag</b> <sup>[5]</sup> - 1115:18, 1170:11, 1228:3, 1228:10, 1228:17  <b>bags</b> <sup>[2]</sup> - 1210:20, 1222:6  <b>bail</b> <sup>[6]</sup> - 1242:8, 1242:22, 1243:16, 1253:1, 1253:4</p>		

**borders** [1] - 1260:9  
**born** [2] - 1195:4, 1275:9  
**Borough** [1] - 1130:17  
**borough** [1] - 1329:1  
**bottom** [5] - 1059:11, 1071:16, 1095:17, 1314:3, 1322:5  
**bottom-line** [1] - 1059:11  
**bought** [4] - 1226:12, 1226:13, 1226:14  
**Bowser** [31] - 1080:3, 1080:6, 1081:9, 1081:10, 1084:14, 1085:10, 1088:1, 1088:11, 1110:19, 1110:24, 1130:9, 1130:10, 1130:19, 1130:20, 1132:13, 1132:14, 1132:15, 1132:16, 1133:11, 1143:19, 1144:5, 1149:7, 1174:6, 1174:7, 1217:6, 1217:7, 1250:16, 1270:15, 1270:24, 1271:24  
**box** [8] - 1323:2, 1323:3, 1323:7, 1323:11, 1323:13, 1323:14, 1323:15  
**boxes** [2] - 1323:1, 1323:4  
**Boy** [2] - 1171:6, 1171:10  
**boy** [2] - 1115:5, 1144:6  
**boys** [1] - 1220:7  
**Boys** [1] - 1070:3  
**branching** [1] - 1186:12  
**brand** [2] - 1120:5, 1329:22  
**brandish** [1] - 1153:4  
**brandishing** [1] - 1151:7  
**Braska** [1] - 1304:17  
**bread** [3] - 1158:22, 1158:25, 1159:15  
**break** [14] - 1100:20, 1121:16, 1121:18, 1121:20, 1122:1, 1122:5, 1138:8, 1188:8, 1249:4, 1258:4, 1258:8, 1265:17, 1267:12, 1306:7  
**breakdown** [2] - 1106:18, 1221:6  
**breaks** [1] - 1258:5  
**BREON** [1] - 1058:14  
**brief** [3] - 1062:12, 1161:16, 1189:2  
**briefly** [2] - 1066:23, 1319:2  
**Brim** [3] - 1067:5, 1069:24, 1070:1  
**bring** [17] - 1063:18, 1106:16, 1122:11, 1127:22, 1129:6, 1129:8, 1165:6, 1165:7, 1225:3, 1245:17, 1245:21, 1260:2, 1265:18, 1266:11, 1266:12, 1306:12  
**bringing** [5] - 1157:11, 1167:8, 1167:14, 1225:2, 1229:10  
**Bristol** [1] - 1108:3  
**Bro** [1] - 1120:12  
**bro** [30] - 1075:13, 1075:15, 1099:11, 1099:14, 1100:2, 1110:9, 1116:9, 1118:8, 1120:4, 1120:15, 1139:2, 1151:11, 1152:7, 1169:7, 1198:16, 1208:11, 1211:25, 1212:2, 1229:1, 1238:9, 1238:11, 1238:12, 1238:20, 1240:9, 1247:8, 1250:17, 1272:14, 1284:19, 1287:6, 1287:14  
**Brody** [1] - 1156:22  
**broke** [3] - 1129:22, 1164:22, 1197:9  
**Bronx** [7] - 1113:5, 1113:11, 1150:7, 1150:8, 1150:18, 1218:17, 1219:3

**Brookdale** [2] - 1309:18, 1310:13  
**Brooklyn** [8] - 1058:6, 1058:16, 1071:23, 1071:24, 1105:24, 1195:23, 1321:2, 1321:3  
**brother** [8] - 1076:9, 1100:8, 1108:21, 1118:24, 1224:4, 1240:4, 1250:9, 1250:10  
**brotherly** [1] - 1132:8  
**brothers** [1] - 1224:2  
**brought** [15] - 1164:17, 1167:5, 1170:3, 1175:3, 1175:4, 1175:5, 1191:24, 1195:20, 1225:8, 1225:9, 1225:11, 1227:7, 1247:23, 1252:21, 1253:7  
**Brownsville** [2] - 1074:3, 1074:23  
**bubba** [1] - 1163:6  
**bubble** [2] - 1148:15, 1163:6  
**Buck** [12] - 1088:19, 1099:22, 1102:15, 1103:9, 1103:10, 1103:11, 1153:14, 1168:24, 1235:17, 1235:22, 1235:23  
**Buck's** [1] - 1088:20  
**Buck/Joshua** [1] - 1100:1  
**Buckwild** [29] - 1084:3, 1084:12, 1086:3, 1086:4, 1086:15, 1131:4, 1132:17, 1142:5, 1142:20, 1143:4, 1144:6, 1144:8, 1146:14, 1146:18, 1148:2, 1148:17, 1149:13, 1149:17, 1174:6, 1174:7, 1216:7, 1216:24, 1217:3, 1217:6, 1217:7, 1217:19, 1218:10, 1235:21  
**Buckwild's** [2] - 1142:14, 1143:16  
**bud** [2] - 1150:10, 1169:7  
**buddy** [1] - 1210:10  
**buddy's** [1] - 1272:8  
**Bugatti** [1] - 1070:3  
**building** [2] - 1177:15, 1219:16  
**bull** [1] - 1212:18  
**Bullet** [1] - 1070:3  
**Bullock** [35] - 1189:6, 1309:19, 1309:21, 1310:11, 1310:12, 1310:14, 1310:15, 1311:1, 1311:15, 1312:7, 1312:18, 1313:3, 1313:18, 1313:20, 1314:17, 1314:20, 1314:25, 1315:3, 1316:12, 1316:22, 1317:1, 1317:3, 1317:17, 1317:25, 1318:2, 1318:7, 1318:14, 1318:16, 1318:18, 1319:16, 1320:23, 1320:24, 1323:2, 1326:5, 1326:9  
**Bullock's** [2] - 1314:11, 1320:22  
**bunch** [2] - 1092:12, 1131:19  
**bundles** [1] - 1250:2  
**burden** [2] - 1064:12, 1333:7  
**Bureau** [2] - 1291:8, 1291:10  
**burst** [1] - 1151:6  
**Bushwick** [8] - 1072:3, 1153:11, 1195:23, 1196:18, 1196:23, 1196:25, 1197:2, 1197:3  
**business** [20] - 1076:4, 1111:3, 1133:24, 1133:25, 1134:3, 1134:5, 1134:6, 1134:8, 1134:14, 1135:6, 1250:2, 1295:9, 1295:11, 1298:18, 1298:21, 1302:3, 1302:19, 1303:4

**butt** [2] - 1330:7, 1331:5  
**butted** [1] - 1216:6  
**button** [4] - 1085:9, 1098:13, 1143:19, 1267:8  
**buttons** [1] - 1085:7  
**buy** [6] - 1167:19, 1167:20, 1167:21, 1241:4, 1241:6, 1241:7  
**BY** [26] - 1058:17, 1058:21, 1066:5, 1098:2, 1129:21, 1156:2, 1191:10, 1234:5, 1267:11, 1268:2, 1290:5, 1303:24, 1308:4, 1311:11, 1313:2, 1319:6, 1328:6, 1336:5, 1336:6, 1336:8, 1336:9, 1336:11, 1336:12, 1336:13, 1336:14, 1336:16  
**bystander** [3] - 1115:17, 1215:3, 1228:6

## C

**cab** [2] - 1239:19, 1241:2  
**Cadman** [1] - 1058:16  
**calf** [1] - 1212:18  
**caliber** [3] - 1152:23, 1218:19, 1218:25  
**calm** [1] - 1269:11  
**camera** [3] - 1143:17, 1198:12, 1198:13  
**Campbell** [60] - 1064:25, 1066:8, 1066:16, 1066:17, 1067:12, 1070:17, 1071:6, 1071:8, 1072:14, 1072:22, 1080:16, 1082:1, 1082:12, 1082:24, 1082:25, 1087:5, 1087:22, 1089:12, 1091:19, 1092:4, 1092:9, 1093:17, 1095:11, 1104:11, 1105:12, 1110:17, 1112:4, 1116:5, 1124:9, 1129:14, 1129:22, 1134:12, 1135:15, 1135:24, 1137:23, 1144:12, 1146:11, 1147:5, 1147:8, 1149:22, 1154:14, 1154:24, 1157:18, 1164:3, 1171:21, 1173:1, 1173:17, 1175:8, 1180:17, 1186:25, 1190:10, 1191:11, 1237:23, 1242:3, 1260:15, 1260:23, 1260:24, 1261:9, 1262:10, 1266:11  
**CAMPBELL** [2] - 1066:1, 1336:4  
**Campbell's** [1] - 1136:15  
**cannot** [1] - 1059:9  
**cap** [1] - 1096:12  
**capacity** [1] - 1300:24  
**caption** [3] - 1199:3, 1199:6, 1202:21  
**capture** [2] - 1093:2, 1093:4  
**car** [53] - 1106:1, 1106:2, 1108:9, 1108:10, 1114:23, 1114:24, 1114:25, 1161:18, 1164:8, 1164:13, 1164:21, 1165:6, 1165:15, 1165:16, 1165:17, 1167:5, 1177:4, 1177:17, 1177:20, 1178:13, 1178:16, 1179:8, 1179:18, 1179:21, 1198:20, 1202:13, 1202:15, 1202:16, 1202:17, 1224:19, 1224:21, 1225:4, 1227:16, 1227:18, 1227:24, 1228:9, 1228:12, 1228:15, 1229:5, 1229:7, 1229:8, 1277:10, 1279:8, 1280:2, 1280:7, 1280:11, 1281:22, 1281:25, 1283:22, 1283:25



**card** [1] - 1063:11, 1082:20, 1082:24, 1091:5, 1167:15, 1167:21, 1168:5, 1169:5, 1232:9, 1232:25, 1233:2  
**cards** [4] - 1167:20, 1168:3, 1169:5, 1169:6  
**care** [1] - 1059:8, 1101:15, 1101:16, 1101:18, 1135:5, 1203:10, 1206:11, 1265:15, 1275:21, 1290:21  
**career** [1] - 1292:22  
**carried** [1] - 1274:6  
**carrying** [1] - 1182:8  
**cars** [4] - 1069:23, 1069:25, 1112:1  
**Casa** [4] - 1196:8, 1196:10, 1196:17, 1196:18  
**Casablanca** [3] - 1196:13, 1196:14, 1196:16  
**case** [65] - 1059:4, 1061:23, 1063:5, 1063:6, 1064:12, 1064:13, 1064:17, 1085:3, 1091:23, 1100:2, 1102:23, 1116:16, 1121:21, 1176:2, 1181:13, 1185:8, 1188:10, 1228:7, 1242:21, 1248:23, 1252:2, 1256:4, 1256:5, 1256:6, 1271:22, 1284:12, 1285:6, 1285:20, 1294:12, 1295:5, 1306:8, 1309:10, 1309:21, 1310:1, 1310:8, 1313:9, 1313:13, 1316:21, 1317:2, 1317:4, 1317:6, 1317:7, 1317:9, 1317:18, 1321:5, 1321:10, 1321:18, 1325:6, 1325:15, 1326:1, 1326:2, 1326:3, 1326:4, 1326:6, 1326:7, 1326:17, 1326:19, 1327:4, 1327:5, 1327:7, 1332:13, 1332:24, 1333:16, 1333:25  
**cases** [1] - 1328:21  
**catching** [1] - 1174:8  
**caught** [1] - 1287:22  
**CAUSE** [1] - 1058:11  
**cell** [8] - 1123:8, 1123:9, 1125:21, 1125:22, 1126:2, 1127:6, 1136:15, 1214:6  
**Cellebrite** [2] - 1124:7, 1125:15  
**Center** [2] - 1290:15, 1308:13  
**central** [1] - 1275:14  
**Central** [2] - 1291:8, 1291:10  
**cents** [1] - 1109:2  
**certain** [2] - 1085:6, 1085:7, 1085:8, 1085:9, 1103:17, 1103:18, 1106:11, 1106:12, 1106:20, 1106:24, 1124:16, 1140:1, 1141:13, 1173:3, 1174:10, 1186:18, 1193:5, 1208:16, 1260:18, 1290:24, 1295:20  
**certainly** [1] - 1127:13  
**certification** [1] - 1125:14  
**certified** [1] - 1126:2  
**chain** [8] - 1123:10, 1123:21, 1125:8, 1125:11, 1127:2, 1127:10, 1128:21, 1129:2  
**chair** [2] - 1121:22, 1188:12  
**chairs** [1] - 1307:2  
**change** [2] - 1131:10, 1174:9

**changed** [1] - 1130:21  
**characterize** [1] - 1253:24  
**characterized** [1] - 1135:9  
**charge** [15] - 1078:17, 1078:19, 1131:2, 1181:12, 1183:2, 1269:24, 1272:12, 1273:15, 1274:17, 1276:17, 1281:2, 1332:20, 1332:22, 1332:25, 1333:17  
**charged** [7] - 1176:2, 1176:17, 1179:22, 1181:16, 1181:20, 1268:12, 1280:19  
**charges** [3] - 1181:19, 1242:6, 1273:11  
**Charles** [1] - 1234:12  
**chart** [1] - 1067:15  
**chased** [1] - 1114:3  
**cheated** [1] - 1194:12  
**check** [19] - 1226:6, 1227:2, 1282:16, 1282:23, 1322:25, 1323:4, 1323:10, 1323:12, 1323:13, 1323:15, 1323:23, 1323:25, 1324:1, 1324:3, 1328:20, 1329:12, 1332:5, 1332:7  
**checked** [1] - 1323:6  
**checklist** [4] - 1298:12, 1298:13, 1298:14, 1300:8  
**cheek** [3] - 1086:9, 1086:13, 1086:14  
**Cheetos** [1] - 1076:11  
**chest** [1] - 1160:4  
**children** [1] - 1224:5  
**chill** [4] - 1074:5, 1075:12, 1111:21, 1115:22  
**chips** [1] - 1109:15  
**choice** [2] - 1061:24, 1284:9  
**choose** [1] - 1100:15  
**choses** [1] - 1064:13  
**chronic** [1] - 1206:10  
**Chuck** [89] - 1076:7, 1076:24, 1077:24, 1078:7, 1078:9, 1079:3, 1084:21, 1094:24, 1100:11, 1101:8, 1101:10, 1101:16, 1105:4, 1106:20, 1110:3, 1110:4, 1110:13, 1110:19, 1110:24, 1111:7, 1111:9, 1130:11, 1130:15, 1130:16, 1130:20, 1130:23, 1131:20, 1131:22, 1132:1, 1132:5, 1132:7, 1132:9, 1132:22, 1133:12, 1133:13, 1133:15, 1133:17, 1133:19, 1136:6, 1136:20, 1137:8, 1138:1, 1140:14, 1141:2, 1158:13, 1158:14, 1159:1, 1159:11, 1159:13, 1160:8, 1160:9, 1160:23, 1161:3, 1161:9, 1161:12, 1161:13, 1161:15, 1161:25, 1162:1, 1162:4, 1168:25, 1170:17, 1172:22, 1172:24, 1187:4, 1187:7, 1222:12, 1234:12, 1234:15, 1236:21, 1237:3, 1237:10, 1237:24, 1238:8, 1239:18, 1241:21, 1241:22, 1272:21, 1274:9, 1274:10  
**Chucky** [59] - 1073:1, 1073:5, 1073:21, 1074:7, 1074:11, 1074:12, 1074:22, 1075:1, 1075:13, 1075:19, 1076:3, 1078:2, 1080:3, 1083:7, 1085:10, 1088:6, 1092:12, 1094:2, 1094:13, 1095:19, 1098:14, 1098:20, 1099:6,

1100:17, 1101:3, 1102:14, 1106:8, 1108:14, 1109:25, 1110:2, 1112:3, 1136:20, 1138:23, 1139:17, 1160:1, 1161:19, 1168:24, 1171:3, 1171:13, 1185:17, 1212:24, 1213:3, 1213:6, 1213:9, 1213:11, 1227:9, 1227:12, 1232:22, 1232:24, 1233:2, 1235:17, 1236:17, 1250:16, 1316:14, 1316:15, 1324:12, 1324:14  
**Chucky's** [1] - 1243:6  
**churr** [1] - 1239:16  
**CIB** [1] - 1291:11, 1291:12, 1291:17, 1291:19, 1294:2, 1294:16, 1297:7, 1297:10, 1297:22, 1298:3, 1300:24  
**cigarette** [8] - 1269:11, 1269:14, 1269:16, 1329:19, 1329:22, 1330:1, 1330:7, 1331:5  
**circle** [13] - 1094:3, 1095:15, 1095:21, 1096:3, 1096:10, 1097:14, 1098:11, 1098:16, 1110:22, 1110:23, 1111:12, 1165:21, 1169:4  
**circled** [1] - 1123:23  
**cite** [2] - 1335:4  
**City** [2] - 1290:7, 1308:18  
**city** [2] - 1290:18, 1291:6  
**civilian** [1] - 1201:14  
**civilians** [2] - 1164:11, 1164:14  
**civility** [1] - 1266:8  
**claims** [1] - 1059:9  
**classroom** [1] - 1192:19  
**clean** [1] - 1288:5  
**clear** [7] - 1074:10, 1074:22, 1098:11, 1098:12, 1134:3, 1180:2, 1180:4  
**cleared** [1] - 1226:6  
**clearer** [1] - 1333:15  
**clerk** [2] - 1330:5, 1330:19  
**client** [1] - 1128:20  
**client's** [1] - 1125:20  
**clip** [4] - 1150:19, 1150:21, 1151:17, 1219:8  
**close** [4] - 1121:17, 1221:3, 1289:20, 1295:13  
**closer** [1] - 1111:9  
**clothes** [1] - 1167:23  
**clothing** [2] - 1140:2, 1239:11  
**co** [1] - 1111:16  
**co-de** [1] - 1111:16  
**coat** [1] - 1307:2  
**code** [1] - 1239:17  
**Cognac** [1] - 1235:14  
**coins** [1] - 1169:22  
**cold** [1] - 1168:21  
**collect** [1] - 1293:1  
**collected** [7] - 1170:3, 1171:1, 1171:3, 1297:10, 1300:23, 1300:25, 1301:23  
**collecting** [1] - 1170:12  
**collective** [1] - 1170:3  
**college** [2] - 1191:22, 1292:5  
**colloquy** [1] - 1189:13  
**coloring** [3] - 1198:8, 1198:18

**column** [1] - 1237:17  
**comedian** [1] - 1199:18  
**comedy** [7] - 1197:21, 1197:23, 1199:21, 1200:15, 1200:20, 1200:21, 1201:9  
**comfortable** [2] - 1061:19, 1308:6  
**coming** [6] - 1060:25, 1062:18, 1115:4, 1142:25, 1213:13, 1305:10  
**commands** [1] - 1265:25  
**comment** [2] - 1300:10, 1300:17  
**commit** [12] - 1112:7, 1112:9, 1149:22, 1164:3, 1164:5, 1176:3, 1176:5, 1176:7, 1224:21, 1225:7, 1227:6  
**committed** [10] - 1112:5, 1175:24, 1176:16, 1176:19, 1176:25, 1180:1, 1182:16, 1186:6, 1224:16, 1241:20  
**committing** [1] - 1279:8  
**common** [9] - 1081:16, 1117:23, 1168:2, 1168:4, 1168:6, 1168:8, 1168:12, 1265:25, 1294:17  
**communicating** [1] - 1247:25  
**communications** [8] - 1126:23, 1136:23, 1136:25, 1137:3, 1137:12, 1154:14, 1154:17, 1292:4  
**companies** [4] - 1276:22, 1277:1, 1277:7, 1279:4  
**company** [2] - 1242:14, 1301:5  
**compensated** [1] - 1262:25  
**compensation** [1] - 1263:6  
**complain** [2] - 1204:22, 1205:14  
**complaining** [1] - 1205:12  
**complete** [1] - 1332:2  
**completely** [1] - 1179:24  
**complying** [1] - 1262:22  
**Computer** [1] - 1058:25  
**Computer-aided** [1] - 1058:25  
**computerized** [1] - 1058:24  
**concern** [2] - 1063:24, 1260:13  
**Concourse** [1] - 1113:12  
**condition** [2] - 1311:20, 1319:21  
**confer** [1] - 1059:23  
**conference** [4] - 1332:20, 1332:22, 1332:25, 1333:17  
**conferred** [2] - 1060:7, 1060:8  
**confirmed** [1] - 1110:13  
**connected** [1] - 1320:4  
**connection** [8] - 1126:17, 1177:3, 1177:5, 1182:9, 1182:19, 1295:19, 1302:9, 1302:12  
**consent** [1] - 1061:24  
**consents** [1] - 1189:15  
**consider** [2] - 1208:25, 1250:9  
**consideration** [1] - 1277:4  
**considered** [12] - 1068:12, 1068:13, 1069:14, 1072:1, 1072:3, 1072:5, 1079:10, 1086:17, 1135:7, 1143:14, 1240:3, 1250:10  
**consignment** [1] - 1241:8  
**consisting** [1] - 1310:15

**conspiracy** [10] - 1176:3, 1176:7, 1181:12, 1182:2, 1182:5, 1252:12, 1272:12, 1273:16, 1273:24, 1276:3  
**conspired** [1] - 1272:16  
**constantly** [1] - 1195:19  
**contact** [1] - 1131:1  
**contemporaneous** [2] - 1297:24, 1302:5  
**contemporaneously** [3] - 1295:13, 1295:14, 1298:23  
**contents** [3] - 1126:23, 1127:6, 1296:8  
**contested** [1] - 1131:15  
**continue** [5] - 1125:18, 1173:25, 1247:3, 1259:4, 1316:21  
**CONTINUED** [2] - 1313:1, 1336:13  
**continued** [2] - 1125:8, 1281:22  
**Continued** [12] - 1065:7, 1097:16, 1098:2, 1127:24, 1155:19, 1189:25, 1233:10, 1267:24, 1289:21, 1305:13, 1307:12, 1319:3  
**continues** [1] - 1143:13  
**Continuing** [6] - 1066:4, 1128:1, 1156:1, 1234:1, 1267:11, 1336:5  
**continuing** [1] - 1268:2  
**contraband** [1] - 1292:19  
**contribute** [1] - 1169:14  
**control** [5] - 1094:15, 1203:19, 1203:20, 1215:7, 1290:21  
**conversation** [27] - 1073:19, 1099:24, 1100:5, 1100:10, 1109:18, 1146:14, 1155:6, 1161:18, 1161:21, 1161:24, 1162:4, 1238:4, 1240:9, 1244:17, 1247:5, 1250:18, 1252:19, 1255:10, 1255:12, 1257:12, 1261:12, 1270:3, 1270:4, 1272:9, 1288:1  
**conversations** [3] - 1061:10, 1244:13, 1272:4  
**convey** [1] - 1059:14  
**convicted** [1] - 1185:7  
**conviction** [1] - 1285:8  
**Cookie** [1] - 1118:20  
**cookies** [2] - 1163:8, 1163:20  
**cool** [3] - 1112:24, 1135:3, 1243:2  
**Cooper** [4] - 1088:17, 1099:22, 1100:1, 1235:22  
**cooperate** [1] - 1273:1  
**cooperated** [7] - 1176:10, 1183:2, 1271:15, 1271:18, 1271:19, 1287:17, 1287:20  
**cooperating** [24] - 1181:17, 1181:21, 1182:21, 1227:3, 1257:11, 1261:13, 1262:21, 1262:22, 1263:4, 1263:19, 1263:24, 1264:4, 1264:8, 1264:15, 1264:23, 1265:5, 1265:8, 1265:11, 1268:5, 1268:17, 1270:13, 1270:14, 1271:2, 1271:21  
**cooperation** [17] - 1179:23, 1180:9, 1180:20, 1181:1, 1184:8, 1184:9, 1273:3, 1273:7, 1273:9, 1273:17, 1273:20, 1274:16, 1286:13, 1286:14,

1286:21, 1286:23, 1287:1  
**copy** [5] - 1135:19, 1156:12, 1181:1, 1189:17, 1272:14  
**Corbett** [1] - 1111:18  
**Corbett's** [1] - 1253:4  
**cordial** [1] - 1314:16  
**corner** [2] - 1142:23, 1142:25  
**coronavirus** [1] - 1198:1  
**correct** [81] - 1069:15, 1069:17, 1071:11, 1080:10, 1082:11, 1090:19, 1103:13, 1130:3, 1136:17, 1175:25, 1195:22, 1209:13, 1216:1, 1216:3, 1267:16, 1268:15, 1274:7, 1277:21, 1277:23, 1278:4, 1278:21, 1278:23, 1279:1, 1279:3, 1279:6, 1279:14, 1279:23, 1279:25, 1280:3, 1280:9, 1287:5, 1291:11, 1292:21, 1292:24, 1293:8, 1294:20, 1298:2, 1299:17, 1300:14, 1301:10, 1304:6, 1304:7, 1304:13, 1305:4, 1305:6, 1311:15, 1316:4, 1320:19, 1320:20, 1320:22, 1320:25, 1321:1, 1321:9, 1321:14, 1321:17, 1321:18, 1321:20, 1321:21, 1321:24, 1322:1, 1322:3, 1322:5, 1322:6, 1322:8, 1322:13, 1322:16, 1322:20, 1322:21, 1322:23, 1322:24, 1323:8, 1323:16, 1323:21, 1324:15, 1325:13, 1326:9, 1326:11, 1326:12, 1326:17, 1326:18, 1327:6  
**Correct** [4] - 1249:14, 1278:1, 1279:10, 1279:17  
**correction** [3] - 1290:13, 1290:23, 1291:22  
**Correctional** [2] - 1130:17, 1290:15  
**Corrections** [1] - 1290:7  
**corrections** [4] - 1290:14, 1290:20, 1290:22, 1290:25  
**correctly** [1] - 1100:24  
**corresponding** [1] - 1335:6  
**corrupt** [2] - 1167:6, 1231:14  
**Corrupt** [25] - 1113:1, 1115:7, 1119:21, 1120:4, 1150:12, 1150:24, 1151:23, 1152:1, 1152:5, 1152:10, 1152:14, 1152:15, 1153:5, 1154:23, 1211:16, 1211:23, 1213:20, 1219:6, 1219:8, 1219:13, 1219:14, 1220:8, 1221:11, 1221:15  
**Corrupt's** [2] - 1150:9, 1220:7  
**corruption** [1] - 1291:25  
**cough** [3] - 1198:10, 1198:14, 1198:17  
**coughed** [4] - 1198:15, 1198:18, 1198:19  
**could've** [4] - 1115:9, 1115:24, 1214:8, 1215:11  
**Counsel** [4] - 1308:9, 1322:9, 1324:4, 1326:3  
**counsel** [13] - 1059:6, 1089:10, 1092:6, 1145:4, 1146:10, 1147:3, 1171:19, 1189:10, 1261:5, 1262:18, 1298:9, 1301:12, 1310:21

**counselor** [1] - 1319:8  
**counterargument** [1] - 1299:9  
**county** [1] - 1275:12  
**couple** [8] - 1112:17, 1114:5, 1174:13, 1196:7, 1214:16, 1242:7, 1242:9, 1243:3  
**course** [17] - 1062:21, 1134:25, 1193:1, 1197:1, 1197:17, 1202:6, 1203:7, 1251:2, 1267:1, 1292:22, 1295:9, 1295:11, 1298:18, 1298:20, 1302:2, 1303:3, 1314:19  
**COURT** [293] - 1058:1, 1058:12, 1059:3, 1059:14, 1059:23, 1060:1, 1060:6, 1060:17, 1060:22, 1061:2, 1061:6, 1061:13, 1061:15, 1062:2, 1062:5, 1062:13, 1062:23, 1063:9, 1063:14, 1063:20, 1063:23, 1065:1, 1065:5, 1066:10, 1072:2, 1074:22, 1075:1, 1075:6, 1075:8, 1075:19, 1075:22, 1076:20, 1076:22, 1080:12, 1080:14, 1081:21, 1082:9, 1082:22, 1085:19, 1085:21, 1086:13, 1086:18, 1086:21, 1087:4, 1087:16, 1087:18, 1087:20, 1088:13, 1090:7, 1090:9, 1090:19, 1090:21, 1090:24, 1091:1, 1091:6, 1091:8, 1091:14, 1091:18, 1091:23, 1092:1, 1093:5, 1093:11, 1093:15, 1093:19, 1093:22, 1096:6, 1096:9, 1096:12, 1096:14, 1102:2, 1102:9, 1104:4, 1104:6, 1104:8, 1105:15, 1105:17, 1121:16, 1121:19, 1121:25, 1122:3, 1122:5, 1122:9, 1122:19, 1122:22, 1123:14, 1123:17, 1124:11, 1124:24, 1125:2, 1125:19, 1126:8, 1126:18, 1127:5, 1127:22, 1128:14, 1128:18, 1129:8, 1129:12, 1129:16, 1135:21, 1136:15, 1136:18, 1137:21, 1144:20, 1145:20, 1146:23, 1147:17, 1150:2, 1155:10, 1155:12, 1155:14, 1157:3, 1157:6, 1157:9, 1157:23, 1159:1, 1159:3, 1159:5, 1159:8, 1159:13, 1160:6, 1164:12, 1164:15, 1168:8, 1169:13, 1172:7, 1172:10, 1172:14, 1173:7, 1173:13, 1174:12, 1174:15, 1181:7, 1185:10, 1186:9, 1187:25, 1188:7, 1188:10, 1188:15, 1188:18, 1188:23, 1189:1, 1189:16, 1189:20, 1189:22, 1189:24, 1190:3, 1190:7, 1190:16, 1190:19, 1190:21, 1190:24, 1191:4, 1195:4, 1195:6, 1210:2, 1210:4, 1210:6, 1223:19, 1224:14, 1226:21, 1234:2, 1246:4, 1258:4, 1258:8, 1258:11, 1258:19, 1259:6, 1259:12, 1259:15, 1259:19, 1259:25, 1260:5, 1260:9, 1260:12, 1260:15, 1260:21, 1261:2, 1261:21, 1262:2, 1262:5, 1262:10, 1262:14, 1262:16, 1263:5, 1263:11, 1263:14, 1264:1, 1264:6, 1264:16, 1264:25, 1265:7, 1265:13, 1265:17, 1265:20,

1265:24, 1266:8, 1266:11, 1266:15, 1266:17, 1266:21, 1267:1, 1267:3, 1268:24, 1269:2, 1276:10, 1283:10, 1283:12, 1287:4, 1288:17, 1288:21, 1288:24, 1289:1, 1289:4, 1289:7, 1289:10, 1289:16, 1289:20, 1292:20, 1295:24, 1296:3, 1296:17, 1296:19, 1299:6, 1299:8, 1299:12, 1299:17, 1302:17, 1302:21, 1303:11, 1303:19, 1303:22, 1305:9, 1306:3, 1306:6, 1306:12, 1306:16, 1306:18, 1306:23, 1307:2, 1307:4, 1307:6, 1307:10, 1310:4, 1311:9, 1311:23, 1312:23, 1315:10, 1315:13, 1315:15, 1316:2, 1317:23, 1317:25, 1318:2, 1318:6, 1318:13, 1318:17, 1318:23, 1319:1, 1324:1, 1325:20, 1325:24, 1326:21, 1326:25, 1327:2, 1327:10, 1327:12, 1327:17, 1328:2, 1331:3, 1331:13, 1331:15, 1331:17, 1331:20, 1331:24, 1332:3, 1332:7, 1332:11, 1332:17, 1332:21, 1333:2, 1333:12, 1333:15, 1333:20, 1333:23, 1334:2, 1334:9, 1334:15, 1334:21, 1334:24, 1335:8, 1335:18, 1335:20  
**Court** [18] - 1058:22, 1058:23, 1061:7, 1061:9, 1089:10, 1124:5, 1126:15, 1145:5, 1146:10, 1147:3, 1171:20, 1260:8, 1286:4, 1310:21, 1321:3, 1333:7, 1333:10  
**court** [20] - 1059:1, 1059:21, 1059:22, 1064:19, 1073:2, 1092:6, 1124:5, 1124:25, 1190:2, 1204:6, 1252:22, 1252:24, 1253:1, 1255:2, 1263:17, 1277:19, 1285:17, 1298:9, 1301:12  
**court-mandated** [1] - 1204:6  
**courtesies** [1] - 1265:21  
**courtesy** [1] - 1266:1  
**Courthouse** [1] - 1058:5  
**courtroom** [6] - 1063:19, 1129:11, 1188:14, 1258:7, 1267:2, 1285:6  
**COURTROOM** [13] - 1059:13, 1059:16, 1060:3, 1060:21, 1063:13, 1066:14, 1085:14, 1085:23, 1129:7, 1190:23, 1289:12, 1327:22, 1327:24  
**cover** [5] - 1126:9, 1189:11, 1276:21, 1276:25, 1329:1  
**covered** [1] - 1198:9  
**covers** [2] - 1323:4, 1329:2  
**Covid** [1] - 1236:8  
**COVID** [3] - 1188:1, 1202:21, 1202:22  
**CPEP** [3] - 1205:1, 1205:2  
**crack** [7] - 1158:15, 1161:10, 1161:11, 1162:15, 1162:18, 1222:18, 1222:21  
**cracked** [1] - 1151:6  
**crap** [2] - 1250:4, 1250:5  
**crash** [1] - 1228:13  
**crazy** [5] - 1118:17, 1164:21, 1186:17, 1192:21, 1232:16  
**creamy** [1] - 1113:9

**create** [4] - 1165:14, 1165:16, 1215:22, 1294:15  
**credibility** [1] - 1159:21  
**credit** [11] - 1167:15, 1167:20, 1167:21, 1168:3, 1168:5, 1169:5, 1169:6, 1232:9, 1232:25, 1233:2  
**crib** [6] - 1138:13, 1138:15, 1138:19, 1151:4, 1226:15, 1238:14  
**crime** [6] - 1176:2, 1176:7, 1246:18, 1276:2, 1278:7, 1278:8  
**crimes** [23] - 1112:4, 1112:7, 1112:9, 1175:24, 1175:25, 1176:16, 1176:17, 1176:19, 1179:22, 1179:25, 1180:14, 1181:15, 1181:23, 1182:1, 1182:7, 1182:13, 1183:3, 1186:5, 1186:9, 1186:10, 1211:8, 1241:20  
**criminal** [3] - 1059:4, 1243:23, 1291:24  
**Criminal** [1] - 1321:3  
**CRIMINAL** [1] - 1058:11  
**Crip** [2] - 1114:8, 1114:9  
**criteria** [6] - 1298:12, 1298:13, 1298:14, 1298:16, 1298:17, 1300:8  
**critique** [1] - 1199:8  
**cross** [9] - 1188:18, 1191:6, 1258:16, 1303:20, 1319:1, 1331:13, 1331:16, 1333:13, 1333:14  
**CROSS** [8] - 1191:9, 1234:4, 1268:1, 1303:23, 1319:5, 1336:6, 1336:9, 1336:14  
**cross-examination** [1] - 1258:16  
**CROSS-EXAMINATION** [7] - 1191:9, 1268:1, 1303:23, 1319:5, 1336:6, 1336:9, 1336:14  
**cross-examine** [2] - 1188:18, 1191:6  
**crossing** [1] - 1323:1  
**crowd** [7] - 1111:6, 1111:22, 1111:23, 1116:6, 1116:7, 1116:8  
**CRR** [1] - 1058:22  
**crying** [1] - 1120:22  
**crypto** [1] - 1167:20  
**Cryptocurrency** [1] - 1232:13  
**curious** [1] - 1165:2  
**currency** [1] - 1167:20  
**current** [1] - 1291:2  
**custody** [12] - 1123:9, 1123:10, 1123:21, 1125:8, 1125:11, 1127:2, 1127:10, 1128:21, 1129:2, 1270:24, 1275:15, 1290:21  
**cut** [5] - 1165:12, 1165:22, 1189:10, 1189:14, 1263:22  
**cyst** [1] - 1166:19

## D

**D-wade** [5] - 1096:5, 1098:22, 1099:22, 1234:18, 1234:21  
**dad** [5] - 1194:6, 1215:7, 1310:14, 1310:17, 1328:10  
**daddy** [1] - 1163:6  
**Damian** [1] - 1189:5



**Damian** [15] - 1309:19, 1309:21, 1310:11, 1310:12, 1310:14, 1310:15, 1311:1, 1311:15, 1314:17, 1314:20, 1314:25, 1316:12, 1316:22, 1317:1, 1317:3  
**dangerous** [2] - 1229:25, 1231:9  
**DAT** [2] - 1243:1, 1243:5  
**data** [1] - 1299:13  
**database** [1] - 1297:15  
**date** [6] - 1076:19, 1301:19, 1311:4, 1312:13, 1312:15, 1322:23  
**dated** [1] - 1118:4  
**David** [1] - 1152:9  
**daycare** [1] - 1059:8  
**days** [9] - 1087:2, 1117:12, 1165:11, 1205:3, 1242:7, 1242:9, 1284:21, 1320:14, 1320:15  
**DB** [2] - 1314:6, 1322:15  
**de** [2] - 1111:16, 1135:9  
**de-characterized** [1] - 1135:9  
**dead** [1] - 1154:9  
**deal** [7] - 1125:4, 1125:5, 1125:9, 1169:6, 1169:8, 1170:10, 1170:24  
**dealer** [1] - 1158:8  
**dealers** [1] - 1151:10  
**dealing** [3] - 1228:2, 1282:4, 1335:14  
**deals** [2] - 1165:4, 1242:14  
**dealt** [1] - 1225:4  
**Death** [1] - 1068:19  
**death** [2] - 1236:8, 1242:19  
**decal** [2] - 1098:3, 1098:5  
**deceased** [1] - 1236:1  
**December** [4] - 1252:14, 1257:3, 1270:23, 1273:22  
**decide** [4] - 1079:25, 1094:21, 1170:20, 1184:9  
**decided** [1] - 1231:6  
**decides** [2] - 1097:9, 1170:15  
**decision** [10] - 1100:12, 1100:24, 1101:11, 1101:19, 1101:25, 1102:2, 1102:5, 1214:5, 1218:7, 1218:9  
**decisionmaking** [1] - 1086:22  
**decisions** [1] - 1086:24  
**deducted** [3] - 1143:20, 1148:22, 1149:5  
**deems** [1] - 1285:3  
**deep** [1] - 1225:25  
**defendant** [5] - 1058:9, 1063:3, 1126:25, 1128:10, 1185:7  
**Defendant** [2] - 1058:19, 1059:2  
**defense** [4] - 1189:3, 1189:10, 1258:16, 1333:16  
**defer** [2] - 1062:21, 1125:16  
**deficit** [1] - 1193:16  
**definitely** [9] - 1169:16, 1185:22, 1187:24, 1199:3, 1200:9, 1200:16, 1221:5, 1240:21, 1260:7  
**defraud** [1] - 1277:6  
**defrauded** [1] - 1276:22

**defrauding** [1] - 1277:1  
**delete** [1] - 1098:13  
**deliberations** [1] - 1064:16  
**demeanor** [1] - 1314:12  
**demonstrate** [1] - 1071:6  
**demonstrated** [1] - 1187:4  
**demonstrative** [2] - 1067:12, 1067:13  
**denied** [3] - 1140:2, 1140:3, 1263:24  
**denies** [1] - 1264:6  
**Department** [5] - 1290:7, 1291:2, 1291:4, 1291:20, 1308:18  
**department** [2] - 1292:16, 1328:16  
**depicted** [2] - 1301:15, 1310:25  
**depictions** [1] - 1298:25  
**depo** [2] - 1177:15, 1283:15  
**deposition** [6] - 1177:16, 1277:17, 1277:19, 1279:24, 1281:16, 1281:19  
**depositions** [8] - 1177:12, 1178:19, 1178:20, 1178:22, 1178:25, 1179:7, 1179:15, 1281:17  
**depressed** [1] - 1206:1  
**depression** [1] - 1205:24  
**DEPUTY** [13] - 1059:13, 1059:16, 1060:3, 1060:21, 1063:13, 1066:14, 1085:14, 1085:23, 1129:7, 1190:23, 1289:12, 1327:22, 1327:24  
**describe** [2] - 1292:14, 1299:23  
**described** [4] - 1129:2, 1175:25, 1294:1, 1301:24  
**describing** [1] - 1097:1  
**description** [1] - 1299:12  
**deserve** [1] - 1216:21  
**despite** [1] - 1187:7  
**desposition** [1] - 1281:4  
**despositions** [1] - 1177:9  
**detail** [4] - 1128:23, 1154:3, 1298:10, 1299:24  
**detainee** [2] - 1140:9, 1140:16  
**detainee/inmate** [1] - 1108:15  
**detective** [19] - 1126:13, 1241:25, 1242:1, 1242:3, 1254:18, 1254:19, 1256:16, 1308:21, 1308:22, 1308:24, 1309:7, 1309:10, 1309:25, 1325:6, 1325:8, 1328:13, 1328:18, 1328:19, 1328:25  
**Detective** [2] - 1124:3, 1125:7  
**detectives** [7] - 1242:25, 1256:13, 1264:7, 1269:16, 1309:8, 1317:5, 1317:13  
**determines** [2] - 1286:2, 1286:3  
**Devon** [2] - 1108:1, 1108:3  
**Dexedrine** [1] - 1193:9  
**diagnosed** [1] - 1193:5  
**dial** [1] - 1295:4  
**dialing** [1] - 1294:11  
**die** [2] - 1156:17, 1236:5  
**died** [1] - 1076:10  
**difference** [1] - 1285:16  
**different** [17] - 1071:24, 1101:6,

1119:16, 1142:12, 1144:1, 1157:18, 1159:21, 1163:1, 1163:4, 1169:14, 1273:11, 1276:22, 1282:4, 1282:5, 1286:17, 1293:6  
**dime** [2] - 1222:6, 1272:9  
**dimes** [4] - 1219:19, 1219:22, 1219:25, 1220:1  
**diplomatic** [1] - 1250:14  
**dire** [3] - 1311:8, 1311:22, 1311:23  
**DIRE** [2] - 1311:10, 1336:12  
**direct** [9] - 1135:7, 1141:18, 1154:24, 1173:17, 1189:5, 1189:8, 1191:13, 1313:17, 1326:21  
**DIRECT** [13] - 1066:4, 1098:1, 1129:20, 1156:1, 1290:4, 1308:3, 1313:1, 1328:5, 1336:5, 1336:8, 1336:11, 1336:13, 1336:16  
**directing** [1] - 1310:23  
**directly** [3] - 1099:18, 1251:8  
**director** [1] - 1092:8  
**disabled** [1] - 1223:7  
**disc** [2] - 1296:9, 1296:11  
**discharge** [1] - 1205:18  
**discharged** [1] - 1205:20  
**disciplinary** [2] - 1116:14, 1117:13  
**discipline** [1] - 1117:20  
**discovery** [1] - 1266:2  
**discussion** [5] - 1100:21, 1168:15, 1314:15, 1315:3, 1317:8  
**disorder** [1] - 1193:16  
**disorders** [1] - 1193:6  
**disregard** [3] - 1223:19, 1263:6, 1267:5  
**disrespect** [7] - 1116:16, 1134:2, 1134:7, 1134:9, 1134:22, 1135:8, 1218:3  
**disrespectful** [1] - 1218:1  
**disrespects** [2] - 1134:16, 1134:17  
**distress** [3] - 1268:23, 1269:3  
**distressed** [1] - 1162:6  
**DISTRICT** [3] - 1058:1, 1058:1, 1058:12  
**District** [1] - 1058:15  
**DJ** [2] - 1210:10, 1210:15  
**DJs** [1] - 1210:15  
**DM'd** [1] - 1104:12  
**DNA** [2] - 1330:2, 1331:7  
**DOA** [4] - 1246:21, 1246:23, 1247:1  
**DOC** [4] - 1290:8, 1290:10, 1290:12, 1292:25  
**docket** [2] - 1240:8, 1304:16  
**doctor** [5] - 1166:10, 1205:18, 1205:23, 1206:9, 1229:17  
**document** [30] - 1071:15, 1135:12, 1135:15, 1136:23, 1136:24, 1140:19, 1146:11, 1146:17, 1154:15, 1155:16, 1171:21, 1171:23, 1180:17, 1180:21, 1298:10, 1298:15, 1299:13, 1299:16, 1299:23, 1304:6, 1304:14, 1310:25, 1312:4, 1312:5, 1312:12, 1312:14, 1322:5, 1322:23, 1330:22, 1330:24  
**documents** [7] - 1092:17, 1298:20,

<p>1302:2, 1302:24, 1303:1, 1303:6, 1304:20</p> <p><b>dog</b> [4] - 1078:16, 1081:12, 1083:16, 1116:6</p> <p><b>DOI</b> [4] - 1291:2, 1291:3, 1291:21, 1294:16</p> <p><b>doll</b> [5] - 1202:14, 1202:20, 1202:22, 1202:23, 1203:1</p> <p><b>dollars</b> [1] - 1232:16</p> <p><b>Don</b> [6] - 1131:4, 1131:5, 1131:7, 1131:9, 1133:20, 1300:20</p> <p><b>done</b> [6] - 1114:18, 1180:7, 1186:19, 1284:3, 1301:2, 1311:25</p> <p><b>door</b> [6] - 1113:23, 1113:24, 1140:3, 1151:6, 1220:13, 1220:14</p> <p><b>doot</b> [4] - 1114:24</p> <p><b>doot-doot-doot-doot</b> [1] - 1114:24</p> <p><b>dope</b> [2] - 1151:10, 1220:7</p> <p><b>dot</b> [1] - 1174:2</p> <p><b>double</b> [4] - 1131:19, 1261:7, 1261:8, 1261:14</p> <p><b>double-NYB</b> [1] - 1131:19</p> <p><b>down</b> [54] - 1062:22, 1072:13, 1087:13, 1100:20, 1102:23, 1105:10, 1105:15, 1105:16, 1107:18, 1107:20, 1108:24, 1115:16, 1117:9, 1118:3, 1118:12, 1121:22, 1122:2, 1134:7, 1135:17, 1138:20, 1149:20, 1152:2, 1152:16, 1160:25, 1164:22, 1173:10, 1175:7, 1188:12, 1198:11, 1206:22, 1206:24, 1211:9, 1215:9, 1228:15, 1236:25, 1238:17, 1238:25, 1241:19, 1249:4, 1254:12, 1258:5, 1258:10, 1262:15, 1269:11, 1269:25, 1275:16, 1277:22, 1279:24, 1300:22, 1306:9, 1308:5, 1314:2, 1330:15</p> <p><b>dragging</b> [1] - 1115:22</p> <p><b>Drama</b> [2] - 1108:21, 1108:22</p> <p><b>drawn</b> [1] - 1311:25</p> <p><b>Dreadlocks</b> [1] - 1254:1</p> <p><b>dreadlocks</b> [1] - 1254:2</p> <p><b>dress</b> [1] - 1239:17</p> <p><b>drew</b> [2] - 1098:11, 1240:8</p> <p><b>drift</b> [1] - 1219:12</p> <p><b>drink</b> [1] - 1115:3</p> <p><b>drinker</b> [1] - 1113:7</p> <p><b>drinking</b> [8] - 1074:6, 1074:23, 1113:6, 1113:7, 1113:9, 1119:24, 1235:11, 1235:14</p> <p><b>drinks</b> [1] - 1210:9</p> <p><b>drive</b> [6] - 1108:7, 1108:8, 1228:1, 1228:4, 1228:15, 1296:1</p> <p><b>driven</b> [1] - 1326:9</p> <p><b>driver</b> [5] - 1142:19, 1142:23, 1150:25, 1213:13, 1231:17</p> <p><b>driver's</b> [1] - 1228:16</p> <p><b>driving</b> [10] - 1142:18, 1149:19, 1150:25, 1151:2, 1219:6, 1228:3, 1228:4, 1228:5, 1228:14</p> <p><b>drop</b> [7] - 1074:9, 1074:10, 1075:23,</p>	<p>1090:1, 1090:4, 1119:21, 1150:9</p> <p><b>dropped</b> [4] - 1151:14, 1231:18</p> <p><b>drops</b> [8] - 1089:25, 1090:4, 1115:7, 1213:16, 1213:17, 1213:19, 1213:22, 1215:15</p> <p><b>drove</b> [3] - 1151:13, 1162:6</p> <p><b>drug</b> [3] - 1158:8, 1182:11, 1204:14</p> <p><b>drug-induced</b> [1] - 1204:14</p> <p><b>drugs</b> [24] - 1143:23, 1157:19, 1157:21, 1158:6, 1158:10, 1158:14, 1158:16, 1158:18, 1159:11, 1160:8, 1160:9, 1161:2, 1161:9, 1161:14, 1161:15, 1161:22, 1162:5, 1162:11, 1162:12, 1162:20, 1162:24, 1168:3, 1274:4, 1274:7</p> <p><b>drunk</b> [8] - 1074:4, 1075:5, 1114:21, 1114:22, 1115:12, 1120:9, 1214:7, 1214:11</p> <p><b>dubbed</b> [10] - 1120:23, 1121:1, 1121:2, 1121:3, 1121:4, 1121:5, 1121:6, 1121:8, 1174:3</p> <p><b>ducking</b> [1] - 1135:7</p> <p><b>dude</b> [30] - 1107:12, 1107:14, 1107:15, 1108:5, 1108:6, 1110:11, 1112:16, 1112:22, 1113:23, 1113:24, 1118:3, 1120:2, 1120:3, 1120:8, 1121:12, 1133:21, 1133:22, 1133:23, 1144:4, 1149:14, 1153:11, 1153:13, 1153:25, 1156:9, 1199:19, 1207:21, 1211:23, 1247:8, 1252:1</p> <p><b>dudes</b> [1] - 1151:15</p> <p><b>dudes's</b> [1] - 1155:7</p> <p><b>due</b> [1] - 1187:25</p> <p><b>duly</b> [4] - 1066:2, 1290:2, 1308:1, 1328:3</p> <p><b>dumb</b> [2] - 1138:16, 1238:16</p> <p><b>dump</b> [2] - 1167:19</p> <p><b>duration</b> [1] - 1060:18</p> <p><b>during</b> [21] - 1073:18, 1088:25, 1107:21, 1166:2, 1178:25, 1179:6, 1179:8, 1179:14, 1179:15, 1189:5, 1227:14, 1236:3, 1274:12, 1280:10, 1297:10, 1301:18, 1314:15, 1314:19, 1316:11, 1321:10, 1333:18</p> <p><b>duties</b> [2] - 1290:20, 1309:6</p> <p><b>Duty</b> [1] - 1247:6</p> <p><b>dying</b> [2] - 1198:4</p>	<p>1094:18, 1094:24, 1095:7, 1095:8, 1096:1, 1096:16, 1098:10, 1098:19, 1101:4, 1101:8, 1103:2, 1103:3, 1104:7, 1104:8, 1106:13, 1109:8, 1109:23, 1111:10, 1111:19, 1111:22, 1112:5, 1112:12, 1113:3, 1114:15, 1114:16, 1114:17, 1116:5, 1117:4, 1117:23, 1117:25, 1119:20, 1121:13, 1121:14, 1129:23, 1141:16, 1141:17, 1144:2, 1149:23, 1150:12, 1150:23, 1153:7, 1153:12, 1158:9, 1161:7, 1166:23, 1167:16, 1167:25, 1168:11, 1168:12, 1168:15, 1175:24, 1176:23, 1182:6, 1186:6, 1186:9, 1186:20, 1207:4, 1207:21, 1212:9, 1218:3, 1249:24</p> <p><b>E.A.M.'s</b> [1] - 1182:9</p> <p><b>early</b> [3] - 1064:9, 1064:14, 1192:8</p> <p><b>easier</b> [1] - 1135:19</p> <p><b>East</b> [9] - 1058:16, 1068:18, 1072:5, 1121:12, 1121:13, 1142:19, 1149:19, 1187:13, 1253:19</p> <p><b>EASTERN</b> [1] - 1058:1</p> <p><b>Eastern</b> [1] - 1058:15</p> <p><b>easy</b> [1] - 1130:25</p> <p><b>eating</b> [1] - 1076:11</p> <p><b>EBB</b> [4] - 1068:18, 1095:8, 1100:7</p> <p><b>ed</b> [1] - 1193:3</p> <p><b>effect</b> [1] - 1318:9</p> <p><b>effort</b> [1] - 1232:2</p> <p><b>ego</b> [1] - 1133:14</p> <p><b>eight</b> [3] - 1068:22, 1257:6, 1308:11</p> <p><b>Eighteen</b> [1] - 1139:22</p> <p><b>either</b> [10] - 1072:9, 1088:6, 1090:3, 1100:13, 1113:12, 1129:3, 1143:1, 1227:22, 1304:23, 1313:10</p> <p><b>eleven</b> [10] - 1099:12, 1099:15, 1172:19, 1173:5, 1173:20, 1173:21, 1173:22, 1173:23, 1174:2</p> <p><b>elevens</b> [1] - 1172:13</p> <p><b>Elite</b> [3] - 1068:9, 1068:18, 1300:19</p> <p><b>elmo</b> [3] - 1072:21, 1085:14, 1085:15</p> <p><b>embarrassed</b> [1] - 1186:21</p> <p><b>emblem</b> [1] - 1087:13</p> <p><b>emcee</b> [1] - 1210:2</p> <p><b>employed</b> [1] - 1328:13</p> <p><b>end</b> [13] - 1078:10, 1142:25, 1165:12, 1165:22, 1165:24, 1183:18, 1189:8, 1228:8, 1246:25, 1252:5, 1252:6, 1252:14, 1260:8</p> <p><b>ended</b> [1] - 1088:24</p> <p><b>ending</b> [5] - 1079:1, 1081:2, 1194:15, 1194:16, 1252:3</p> <p><b>enforcement</b> [2] - 1144:22, 1242:3</p> <p><b>engage</b> [1] - 1169:13</p> <p><b>engaged</b> [1] - 1178:22</p> <p><b>engaging</b> [1] - 1279:12</p> <p><b>entails</b> [1] - 1308:14</p> <p><b>enter</b> [2] - 1179:23, 1294:12</p> <p><b>entered</b> [2] - 1273:3, 1287:1</p>
<b>E</b>		
<p><b>E-mail</b> [1] - 1058:24</p> <p><b>E.A.M</b> [96] - 1066:9, 1066:18, 1066:21, 1066:24, 1068:9, 1068:18, 1070:6, 1070:9, 1070:18, 1071:22, 1072:14, 1073:16, 1074:17, 1074:20, 1074:21, 1076:4, 1077:8, 1077:18, 1078:12, 1079:14, 1079:17, 1079:21, 1079:23, 1080:6, 1080:8, 1080:22, 1081:3, 1088:2, 1088:21, 1088:23, 1089:1, 1089:4, 1089:5, 1090:5, 1090:10,</p>		

**enters** [5] - 1063:19, 1129:11, 1191:3, 1267:2, 1306:17  
**entertained** [3] - 1115:25, 1214:10, 1214:11  
**entertainment** [3] - 1081:17, 1172:18, 1186:13  
**entire** [1] - 1235:5  
**entirety** [1] - 1147:21  
**entry** [1] - 1140:3  
**envelope** [3] - 1165:9, 1330:4, 1331:7  
**erase** [1] - 1267:8  
**escort** [1] - 1190:12  
**eShop** [1] - 1167:20  
**especially** [2] - 1259:23, 1297:13  
**ESQ** [6] - 1058:17, 1058:17, 1058:18, 1058:19, 1058:21, 1058:21  
**essentially** [3] - 1261:5, 1335:3, 1335:5  
**establish** [4] - 1116:12, 1123:16, 1126:24, 1172:13  
**established** [5] - 1123:11, 1123:16, 1128:4, 1128:8, 1302:23  
**establishing** [1] - 1173:2  
**estimate** [2] - 1333:10, 1333:17  
**evening** [2] - 1327:20, 1327:21  
**event** [10] - 1074:4, 1124:15, 1124:16, 1125:25, 1127:17, 1127:18, 1208:24, 1209:9, 1210:16  
**events** [9] - 1147:6, 1209:1, 1209:3, 1209:5, 1209:10, 1209:14, 1211:2  
**eventually** [3] - 1131:11, 1176:10, 1180:9  
**everywhere** [1] - 1143:23  
**evidence** [49] - 1064:10, 1082:13, 1085:18, 1090:19, 1090:23, 1091:3, 1091:15, 1091:17, 1091:21, 1091:25, 1092:3, 1093:14, 1102:19, 1104:10, 1123:1, 1124:18, 1125:14, 1127:8, 1127:10, 1128:10, 1128:12, 1128:25, 1137:19, 1144:18, 1144:21, 1145:21, 1146:21, 1146:24, 1147:19, 1172:6, 1181:10, 1233:6, 1237:15, 1254:3, 1267:7, 1268:25, 1273:9, 1296:21, 1299:18, 1302:25, 1303:15, 1311:7, 1312:25, 1322:5, 1330:2, 1333:8, 1334:16, 1335:6, 1335:15  
**evidentiary** [1] - 1125:25  
**ex** [2] - 1161:17, 1197:9  
**ex-girlfriend** [1] - 1161:17  
**exact** [5] - 1068:21, 1076:19, 1083:4, 1208:2, 1273:21  
**exactly** [21] - 1070:7, 1076:6, 1101:21, 1116:11, 1119:10, 1126:19, 1161:20, 1164:7, 1165:9, 1189:19, 1208:2, 1239:17, 1244:19, 1245:8, 1247:2, 1248:11, 1256:21, 1270:20, 1278:6, 1284:14  
**examination** [3] - 1189:5, 1191:13, 1258:16  
**EXAMINATION** [23] - 1066:4, 1098:1, 1129:20, 1156:1, 1191:9, 1234:4,

1268:1, 1290:4, 1303:23, 1308:3, 1311:10, 1313:1, 1319:5, 1328:5, 1336:5, 1336:6, 1336:8, 1336:9, 1336:11, 1336:12, 1336:13, 1336:14, 1336:16  
**examine** [2] - 1188:18, 1191:6  
**examined** [4] - 1066:3, 1290:3, 1308:1, 1328:4  
**example** [10] - 1060:24, 1069:24, 1070:2, 1071:25, 1103:24, 1118:2, 1170:17, 1170:23, 1210:15, 1301:15  
**examples** [3] - 1067:2, 1068:17, 1197:22  
**except** [2] - 1063:21, 1102:6  
**exception** [2] - 1124:22, 1299:9  
**excuse** [5] - 1111:4, 1186:11, 1186:15, 1212:10, 1240:3  
**excused** [12] - 1063:10, 1063:15, 1063:25, 1064:4, 1188:23, 1289:1, 1305:9, 1305:12, 1327:13, 1327:14, 1331:18, 1331:21  
**excuses** [2] - 1171:5, 1174:3  
**excuses...** [1] - 1171:22  
**exhibit** [10] - 1081:22, 1091:9, 1104:11, 1105:11, 1105:16, 1149:20, 1154:25, 1304:2, 1311:24, 1311:25  
**Exhibit** [107] - 1067:9, 1067:11, 1067:16, 1067:24, 1071:15, 1072:13, 1072:20, 1081:22, 1081:24, 1082:10, 1082:13, 1082:21, 1082:23, 1085:12, 1087:6, 1087:23, 1088:15, 1089:11, 1090:17, 1090:18, 1090:23, 1091:1, 1091:3, 1091:13, 1091:15, 1091:17, 1091:18, 1091:23, 1091:25, 1092:1, 1092:3, 1092:6, 1095:9, 1096:21, 1097:11, 1102:18, 1104:10, 1123:2, 1123:5, 1135:13, 1136:14, 1137:3, 1137:19, 1137:22, 1140:19, 1144:11, 1144:13, 1144:18, 1144:20, 1144:21, 1145:3, 1145:18, 1145:20, 1145:21, 1146:7, 1146:24, 1147:1, 1147:15, 1147:17, 1147:18, 1148:14, 1154:13, 1160:18, 1171:18, 1172:6, 1180:16, 1181:8, 1181:9, 1216:9, 1233:7, 1233:9, 1234:25, 1235:24, 1237:16, 1254:4, 1296:1, 1296:16, 1296:20, 1296:21, 1298:9, 1298:11, 1299:4, 1299:14, 1299:18, 1299:25, 1304:2, 1310:21, 1310:24, 1311:7, 1312:24, 1312:25, 1313:23, 1322:8, 1322:12, 1329:4, 1337:2, 1337:3, 1337:4, 1337:5, 1337:7, 1337:8, 1337:9, 1337:10, 1337:11, 1337:12, 1337:13, 1337:16  
**Exhibits** [8] - 1093:9, 1093:11, 1093:13, 1301:24, 1303:12, 1303:14, 1337:6, 1337:14  
**exhibits** [5] - 1124:9, 1124:18, 1125:9, 1258:14, 1303:10  
**existence** [1] - 1094:17

**existing** [1] - 1094:18  
**exits** [5] - 1121:24, 1188:14, 1258:7, 1306:11, 1332:16  
**expect** [7] - 1063:1, 1064:14, 1124:6, 1125:17, 1126:21, 1243:12, 1335:17  
**expected** [2] - 1059:10, 1117:4  
**expects** [1] - 1063:1  
**experience** [1] - 1186:18  
**experiences** [1] - 1187:12  
**explain** [7] - 1070:23, 1186:8, 1187:14, 1206:23, 1217:17, 1227:17, 1260:16  
**explained** [3] - 1074:7, 1110:11, 1287:21  
**explaining** [1] - 1272:12  
**explanatory** [2] - 1078:16, 1119:11  
**expose** [2] - 1239:16  
**extension** [1] - 1323:12  
**extent** [2] - 1184:8, 1265:21  
**extra** [3] - 1164:19, 1225:19, 1266:4  
**extracted** [1] - 1126:2  
**extraction** [2] - 1124:7, 1125:15  
**extractions** [1] - 1127:6  
**eye** [2] - 1120:20, 1255:22  
**eyebrows** [2] - 1087:16, 1087:18  
**eyes** [3] - 1132:25, 1156:12, 1245:7

## F

**fabrication** [2] - 1305:3, 1305:5  
**face** [20] - 1085:1, 1085:5, 1085:8, 1086:7, 1114:2, 1120:14, 1121:22, 1130:5, 1130:6, 1130:8, 1151:20, 1152:7, 1183:5, 1188:12, 1198:7, 1241:1, 1256:3, 1258:5, 1306:9  
**Facebook** [6] - 1104:20, 1104:21, 1125:23, 1141:22, 1175:9, 1217:18  
**facilities** [3] - 1291:13, 1291:15, 1308:16  
**Facility** [1] - 1130:17  
**facility** [8] - 1290:18, 1291:15, 1293:9, 1294:6, 1297:4, 1297:13, 1300:3, 1301:17  
**facing** [2] - 1182:22, 1182:24  
**fact** [10] - 1112:7, 1123:25, 1125:23, 1126:13, 1131:10, 1176:7, 1182:13, 1258:16, 1265:14, 1272:15  
**factor** [1] - 1333:16  
**factored** [1] - 1333:13  
**Fair** [1] - 1263:25  
**fair** [10] - 1077:12, 1093:1, 1094:22, 1123:25, 1143:25, 1215:1, 1241:3, 1247:3, 1313:11, 1333:24  
**fairly** [3] - 1093:2, 1093:4, 1146:17  
**fake** [13] - 1224:19, 1231:12, 1231:14, 1279:8, 1280:2, 1280:4, 1280:7, 1280:11, 1283:3, 1283:13, 1283:18, 1283:22, 1283:25  
**fall** [5] - 1068:15, 1068:20, 1077:13, 1168:21, 1262:23  
**falls** [4] - 1068:13, 1069:11, 1077:16,

1090:1  
**false** [8] - 1277:12, 1281:9, 1281:11, 1281:12, 1282:6, 1282:10, 1283:3, 1284:1  
**falsely** [1] - 1280:24  
**familiar** [9] - 1077:18, 1079:7, 1113:11, 1119:7, 1120:23, 1292:23, 1293:21, 1296:8, 1296:24  
**family** [13] - 1143:22, 1192:1, 1192:4, 1194:2, 1204:10, 1223:25, 1230:18, 1284:22, 1317:14, 1317:17, 1318:19, 1320:22, 1320:24  
**Far** [2] - 1119:23  
**far** [16] - 1080:3, 1096:19, 1105:24, 1122:25, 1131:12, 1132:9, 1174:14, 1186:12, 1208:16, 1211:23, 1212:20, 1230:18, 1291:25, 1292:1, 1297:23, 1317:18  
**father** [2] - 1133:23, 1193:20  
**father's** [2] - 1195:12, 1195:14  
**Fault** [1] - 1228:7  
**fault** [1] - 1228:8  
**favor** [1] - 1243:14  
**favoritism** [1] - 1085:4  
**FBI** [15] - 1145:11, 1145:13, 1251:17, 1253:11, 1254:16, 1256:16, 1257:10, 1257:25, 1262:20, 1263:16, 1265:5, 1267:13, 1268:3, 1268:5, 1268:6  
**fear** [1] - 1318:21  
**fears** [1] - 1239:24  
**featured** [1] - 1098:17  
**February** [1] - 1257:5  
**fed** [1] - 1275:13  
**federal** [7] - 1124:25, 1252:22, 1253:1, 1256:4, 1269:24, 1272:2, 1275:15  
**Federal** [3] - 1263:4, 1264:9, 1270:14  
**Feds** [4] - 1271:5, 1271:12, 1272:5, 1272:15  
**feds** [3] - 1105:3, 1262:23, 1264:5  
**fee** [3] - 1167:11, 1167:13  
**feet** [1] - 1160:2  
**fell** [2] - 1114:4, 1198:15  
**felt** [12] - 1141:7, 1141:9, 1144:4, 1162:4, 1192:2, 1204:7, 1204:11, 1240:7, 1240:10, 1249:24, 1250:19  
**female** [3] - 1093:24, 1118:3, 1118:4  
**feud** [1] - 1154:6  
**few** [9] - 1072:18, 1080:1, 1081:8, 1113:14, 1150:1, 1150:2, 1205:3, 1232:16, 1325:25  
**fifth** [4] - 1083:21, 1083:22, 1083:23, 1083:24  
**fifty** [1] - 1226:19  
**fight** [5] - 1132:7, 1201:7, 1202:9, 1202:25, 1242:5  
**fighting** [5] - 1116:10, 1116:11, 1116:20, 1201:5, 1201:12  
**figure** [2] - 1162:3, 1293:5  
**figured** [7] - 1074:8, 1107:8, 1107:9, 1220:6, 1221:5, 1271:7, 1272:7

**fill** [4] - 1312:3, 1312:5, 1312:10, 1312:11  
**Fillippi** [2] - 1062:8, 1064:1  
**filming** [1] - 1147:6  
**final** [1] - 1331:22  
**finally** [2] - 1075:17, 1197:7  
**finances** [2] - 1169:18, 1242:19  
**Financial** [1] - 1242:15  
**financial** [1] - 1170:13  
**financially** [4] - 1151:13, 1223:13, 1223:20, 1224:7  
**fine** [12] - 1061:9, 1061:12, 1063:8, 1102:2, 1124:24, 1264:14, 1264:18, 1326:23, 1326:24, 1334:24  
**finger** [1] - 1071:12  
**fingers** [2] - 1070:21, 1070:23  
**finish** [1] - 1064:10  
**finished** [5] - 1121:17, 1123:14, 1204:10, 1280:18, 1280:23  
**firearm** [5] - 1152:25, 1153:1, 1182:8, 1276:13, 1276:15  
**firearms** [2] - 1151:7, 1152:11  
**first** [43] - 1068:1, 1073:8, 1083:9, 1083:11, 1083:12, 1083:13, 1083:17, 1087:2, 1093:17, 1108:17, 1114:23, 1123:21, 1124:11, 1128:6, 1147:1, 1148:15, 1151:22, 1164:20, 1164:24, 1166:20, 1173:16, 1230:24, 1248:17, 1254:22, 1261:2, 1261:22, 1263:18, 1275:10, 1280:21, 1281:3, 1281:9, 1284:20, 1284:25, 1287:17, 1290:2, 1290:12, 1301:14, 1304:15, 1308:1, 1328:3  
**fits** [1] - 1066:24  
**five** [14] - 1109:18, 1147:1, 1152:22, 1152:23, 1153:2, 1160:2, 1166:1, 1183:13, 1186:4, 1194:10, 1218:22, 1218:25, 1287:10, 1287:12  
**flag** [4] - 1151:20, 1194:25, 1195:9, 1207:12  
**flapping** [1] - 1202:14  
**flashy** [1] - 1112:1  
**Flatbush** [1] - 1073:13  
**flip** [1] - 1158:22  
**floor** [18] - 1083:11, 1083:12, 1083:13, 1083:14, 1083:18, 1083:21, 1083:22, 1083:23, 1083:24, 1114:1, 1118:24, 1119:16, 1174:19, 1174:21, 1174:22, 1174:23, 1198:15  
**Floor** [1] - 1058:20  
**fluctuated** [3] - 1081:8, 1081:10, 1088:5  
**focus** [1] - 1135:22  
**focusing** [3] - 1137:2, 1178:19, 1314:3  
**folder** [1] - 1325:15  
**follow** [3] - 1264:1, 1324:4, 1332:25  
**followed** [2] - 1151:15, 1151:22  
**following** [3] - 1155:19, 1228:12, 1267:24  
**follows** [4] - 1066:3, 1290:3, 1308:2, 1328:4

**food** [6] - 1167:23, 1198:7, 1198:8, 1198:18, 1226:13  
**foot** [1] - 1237:8  
**FOR** [1] - 1058:11  
**force** [1] - 1241:14  
**forehead** [2] - 1087:9, 1087:16  
**forgot** [8] - 1107:3, 1107:22, 1138:15, 1138:19, 1238:14, 1238:15, 1241:24, 1252:1  
**forgotten** [1] - 1107:4  
**form** [1] - 1135:6  
**formally** [1] - 1199:12  
**formerly** [2] - 1062:6, 1064:1  
**formulation** [1] - 1264:18  
**forward** [1] - 1249:10  
**fought** [2] - 1118:18, 1132:9  
**foundation** [6] - 1123:15, 1124:17, 1127:3, 1302:19, 1302:20, 1302:23  
**foundational** [1] - 1127:10  
**founded** [1] - 1124:18  
**four** [22] - 1118:12, 1159:24, 1165:7, 1165:8, 1165:11, 1166:1, 1221:13, 1221:14, 1221:16, 1224:24, 1225:1, 1225:2, 1227:22, 1227:23, 1229:9, 1237:8, 1273:13, 1273:14, 1283:14, 1283:18, 1291:18, 1292:15  
**fourth** [2] - 1083:18, 1273:16  
**France** [2] - 1224:4  
**frankly** [1] - 1128:9  
**fraud** [26] - 1164:3, 1164:5, 1164:6, 1169:6, 1177:1, 1177:4, 1177:6, 1177:22, 1178:12, 1178:23, 1182:16, 1182:19, 1224:17, 1225:7, 1225:16, 1226:7, 1227:6, 1227:14, 1232:9, 1232:25, 1233:3, 1242:11, 1281:6, 1281:10, 1328:20, 1329:12  
**frauds** [1] - 1169:14  
**free** [5] - 1128:11, 1167:23, 1200:18  
**French** [2] - 1194:7, 1194:8  
**frequently** [5] - 1097:5, 1130:14, 1293:11, 1293:13  
**fresh** [1] - 1189:17  
**Fresh** [39] - 1153:25, 1154:8, 1154:10, 1155:13, 1157:13, 1157:15, 1176:6, 1244:17, 1245:2, 1245:4, 1245:7, 1246:1, 1246:6, 1246:13, 1246:19, 1246:20, 1247:4, 1247:11, 1247:14, 1248:2, 1248:3, 1248:10, 1248:24, 1249:2, 1249:5, 1249:6, 1249:13, 1249:15, 1249:16, 1252:8, 1255:15, 1255:22, 1268:13, 1268:18, 1269:25, 1270:4, 1271:8, 1272:5, 1272:22  
**friend** [11] - 1086:17, 1090:15, 1151:25, 1198:7, 1198:8, 1199:20, 1201:16, 1225:11, 1225:12, 1227:7, 1269:24  
**friends** [11] - 1088:12, 1088:13, 1164:18, 1165:20, 1195:12, 1195:14, 1199:19, 1208:14, 1208:15, 1225:10, 1248:4  
**frisk** [1] - 1292:18

**front** [12] - 1080:16, 1099:4, 1113:15, 1137:24, 1145:13, 1158:24, 1164:23, 1228:5, 1261:4, 1270:7, 1277:20, 1323:10  
**fruit** [1] - 1163:24  
**frustrated** [1] - 1104:25  
**fuck** [3] - 1139:19, 1238:22  
**fucked** [2] - 1161:25, 1162:1  
**fucking** [1] - 1158:23  
**full** [5] - 1189:7, 1289:13, 1307:7, 1327:25, 1328:10  
**full-time** [1] - 1328:10  
**fun** [2] - 1210:10, 1212:6  
**funny** [3] - 1198:1, 1199:19, 1246:16  
**furniture** [4] - 1226:12, 1226:13, 1226:15  
**future** [2] - 1317:22, 1317:24

## G

**gained** [1] - 1166:21  
**gaining** [3] - 1285:12, 1285:14, 1285:15  
**GALEOTTI** [78] - 1058:17, 1061:4, 1061:23, 1062:12, 1062:14, 1122:20, 1123:13, 1188:21, 1189:2, 1189:19, 1189:21, 1189:23, 1216:12, 1223:18, 1237:19, 1258:21, 1259:21, 1260:11, 1260:13, 1260:24, 1261:4, 1261:14, 1262:9, 1262:12, 1262:17, 1263:13, 1264:10, 1266:13, 1266:16, 1289:5, 1289:8, 1290:5, 1295:22, 1295:25, 1296:15, 1298:8, 1299:3, 1299:10, 1299:15, 1299:19, 1300:21, 1301:11, 1302:15, 1303:9, 1303:16, 1305:8, 1306:1, 1306:4, 1306:14, 1306:21, 1308:4, 1310:20, 1311:6, 1311:21, 1313:2, 1314:4, 1315:8, 1315:11, 1315:14, 1315:16, 1316:4, 1317:22, 1317:24, 1318:1, 1318:4, 1318:24, 1322:10, 1325:23, 1326:20, 1326:22, 1327:1, 1327:11, 1334:13, 1335:1, 1335:21, 1336:8, 1336:11, 1336:13  
**Gang** [1] - 1070:3  
**gang** [59] - 1073:13, 1079:12, 1089:6, 1090:12, 1092:13, 1092:19, 1093:2, 1098:10, 1099:13, 1103:4, 1106:13, 1109:9, 1112:7, 1112:17, 1114:8, 1116:25, 1131:3, 1142:12, 1144:1, 1149:10, 1168:10, 1169:17, 1169:19, 1169:20, 1186:13, 1194:25, 1195:9, 1195:10, 1195:12, 1195:14, 1195:17, 1195:18, 1197:5, 1197:8, 1197:14, 1206:25, 1208:17, 1212:17, 1212:19, 1214:14, 1214:15, 1214:23, 1215:12, 1215:13, 1215:14, 1215:16, 1215:18, 1215:19, 1215:20, 1286:15, 1291:1, 1291:9, 1291:10, 1293:3, 1293:12, 1298:15  
**gang-banging** [1] - 1186:13  
**gangland** [1] - 1117:12

**gangs** [6] - 1088:25, 1194:23, 1292:23, 1293:1, 1293:3, 1297:14  
**Gangsters** [1] - 1103:7  
**garage** [1] - 1168:18  
**garbled** [1] - 1059:15  
**gate** [1] - 1151:3  
**gathered** [1] - 1112:25  
**gathering** [1] - 1292:23  
**GAUDAGNINO** [31] - 1122:15, 1122:24, 1123:4, 1123:15, 1124:22, 1125:1, 1126:4, 1191:8, 1216:10, 1216:13, 1224:15, 1233:8, 1310:2, 1311:8, 1312:21, 1317:21, 1318:22, 1319:2, 1322:11, 1324:2, 1325:19, 1326:15, 1327:9, 1331:14, 1331:16, 1333:18, 1333:21, 1333:24, 1334:18, 1334:23, 1335:10  
**gelato** [1] - 1164:1  
**general** [3] - 1190:18, 1309:5, 1318:7  
**generally** [1] - 1313:8  
**GENNY** [1] - 1058:17  
**gentleman** [1] - 1185:16  
**get-go** [1] - 1278:19  
**gettin'** [1] - 1174:3  
**GF** [4] - 1078:12, 1078:13, 1089:8, 1094:16  
**gig** [2] - 1250:6, 1250:7  
**gigs** [1] - 1208:23  
**girl** [1] - 1234:18  
**girlfriend** [1] - 1161:17  
**given** [10] - 1062:21, 1116:13, 1116:17, 1116:18, 1125:3, 1157:16, 1243:24, 1299:12, 1325:5, 1334:10  
**glass** [1] - 1228:3  
**glove** [1] - 1152:3  
**gloves** [3] - 1151:16, 1151:19, 1219:12  
**Godfather** [5] - 1131:7, 1131:9, 1131:11, 1239:24, 1240:22  
**godfather** [6] - 1078:14, 1078:15, 1078:16, 1078:21, 1079:3, 1100:25  
**gold** [1] - 1163:12  
**gonna** [16] - 1132:5, 1134:2, 1134:8, 1134:10, 1134:22, 1135:4, 1138:2, 1138:4, 1141:12, 1141:18, 1151:10, 1151:12, 1156:12  
**goofball** [1] - 1199:17  
**Gorilla** [5] - 1067:4, 1068:3, 1070:2, 1070:3, 1142:2  
**gotcha** [1] - 1227:13  
**gotta** [7] - 1156:14, 1156:15, 1156:17, 1169:4, 1284:23  
**government** [22] - 1123:1, 1123:18, 1137:18, 1144:17, 1146:20, 1147:14, 1216:5, 1227:3, 1227:4, 1258:13, 1264:18, 1265:8, 1265:11, 1265:21, 1306:1, 1306:14, 1306:20, 1306:22, 1313:22, 1325:21, 1327:15, 1334:11  
**Government** [139] - 1058:14, 1064:8, 1064:13, 1064:25, 1067:9, 1067:11, 1067:16, 1067:24, 1071:15, 1072:13,

1072:20, 1081:22, 1081:24, 1082:10, 1082:12, 1082:21, 1082:23, 1085:12, 1087:6, 1087:23, 1088:15, 1089:11, 1090:17, 1090:18, 1090:22, 1091:1, 1091:13, 1091:15, 1091:18, 1092:1, 1092:6, 1093:8, 1093:9, 1093:11, 1095:9, 1096:21, 1097:11, 1102:18, 1104:9, 1123:1, 1123:4, 1135:13, 1136:14, 1137:3, 1137:19, 1137:22, 1140:19, 1144:11, 1144:13, 1144:18, 1144:21, 1145:3, 1145:17, 1145:18, 1145:21, 1146:7, 1146:24, 1147:1, 1147:15, 1147:17, 1147:18, 1148:14, 1154:13, 1160:18, 1171:17, 1172:5, 1172:6, 1176:10, 1176:13, 1176:16, 1176:22, 1177:3, 1177:5, 1178:13, 1179:14, 1179:17, 1179:20, 1180:10, 1180:16, 1180:24, 1181:2, 1181:4, 1181:7, 1181:24, 1182:21, 1184:6, 1184:23, 1189:3, 1189:7, 1189:8, 1189:15, 1216:9, 1233:7, 1233:8, 1234:25, 1235:24, 1237:16, 1254:4, 1263:4, 1264:9, 1270:14, 1286:9, 1287:24, 1289:8, 1296:1, 1296:15, 1296:16, 1296:19, 1298:9, 1298:11, 1299:3, 1299:4, 1299:9, 1299:14, 1299:25, 1301:24, 1302:15, 1302:22, 1303:9, 1303:12, 1304:2, 1304:3, 1310:21, 1310:24, 1311:6, 1311:7, 1312:24, 1312:25, 1313:23, 1322:7, 1322:12, 1329:3, 1337:7, 1337:8, 1337:9, 1337:10, 1337:16

**Government's** [21] - 1063:1, 1091:3, 1091:17, 1091:25, 1092:3, 1093:13, 1144:20, 1145:20, 1181:9, 1296:21, 1299:18, 1303:14, 1337:2, 1337:3, 1337:4, 1337:5, 1337:6, 1337:11, 1337:12, 1337:13, 1337:14

**government's** [1] - 1258:14

**grab** [1] - 1113:25

**grabbed** [3] - 1248:17, 1272:12, 1272:15

**graduate** [1] - 1292:9

**grand** [5] - 1163:6, 1189:14, 1226:11, 1226:12, 1328:20

**Grand** [3] - 1113:12, 1321:2, 1335:5

**grandmother** [1] - 1194:3

**grandmother's** [1] - 1158:5

**granted** [4] - 1082:22, 1091:8, 1183:20, 1331:3

**grants** [1] - 1183:20

**gray** [1] - 1096:12

**great** [3] - 1085:22, 1091:14, 1328:11

**green** [4] - 1148:15, 1217:6, 1217:7, 1217:8

**greeting** [2] - 1109:6, 1109:7

**grew** [3] - 1116:20, 1193:20, 1195:22

**ground** [5] - 1081:20, 1117:2, 1129:4, 1134:20, 1299:6

**group** [7] - 1069:7, 1069:9, 1111:14,



<p>1115:6, 1169:15, 1193:25  <b>growing</b> [3] - 1186:14, 1193:25, 1195:19  <b>Guadagnino</b> [17] - 1122:23, 1125:20, 1172:7, 1188:16, 1189:18, 1191:6, 1264:2, 1264:20, 1265:22, 1267:9, 1296:17, 1302:17, 1303:20, 1332:22, 1332:24, 1333:15, 1334:10  <b>GUADAGNINO</b> [75] - 1058:19, 1058:21, 1061:7, 1061:12, 1062:1, 1062:3, 1063:8, 1090:25, 1091:22, 1093:10, 1128:2, 1137:20, 1144:19, 1145:19, 1146:22, 1147:16, 1159:12, 1172:8, 1181:6, 1188:17, 1188:20, 1191:10, 1234:5, 1234:24, 1235:3, 1235:6, 1236:25, 1237:17, 1237:20, 1238:17, 1241:19, 1246:5, 1250:4, 1258:23, 1259:8, 1259:17, 1260:7, 1261:11, 1261:16, 1261:19, 1262:1, 1262:7, 1262:19, 1263:8, 1263:25, 1264:3, 1264:14, 1265:2, 1265:10, 1265:16, 1265:19, 1265:23, 1266:6, 1266:10, 1267:10, 1267:11, 1268:2, 1276:12, 1283:9, 1288:19, 1288:22, 1296:18, 1299:5, 1299:7, 1302:18, 1302:22, 1303:21, 1303:24, 1305:7, 1311:11, 1319:6, 1336:6, 1336:9, 1336:12, 1336:14  <b>Guadagnino's</b> [1] - 1128:20  <b>guarantee</b> [1] - 1284:25  <b>guess</b> [9] - 1118:5, 1149:15, 1152:2, 1152:23, 1154:22, 1258:21, 1259:19, 1264:11, 1286:3  <b>guilty</b> [23] - 1181:11, 1181:15, 1181:19, 1182:1, 1182:2, 1182:8, 1182:13, 1183:2, 1183:9, 1185:24, 1273:11, 1273:13, 1273:14, 1273:17, 1273:22, 1273:24, 1274:1, 1274:13, 1274:14, 1276:2, 1276:3, 1276:13  <b>gun</b> [15] - 1100:1, 1102:16, 1102:21, 1102:24, 1150:4, 1151:17, 1152:6, 1152:25, 1153:3, 1153:14, 1218:16, 1219:16, 1274:6, 1274:9, 1274:10  <b>Gun</b> [5] - 1071:17, 1072:4, 1072:5, 1072:11, 1082:8  <b>guns</b> [1] - 1153:7  <b>guy</b> [16] - 1165:4, 1167:14, 1201:5, 1201:7, 1206:19, 1208:9, 1208:13, 1216:6, 1216:17, 1216:18, 1220:5, 1220:8, 1228:2, 1239:23, 1239:24  <b>guys</b> [25] - 1099:4, 1154:21, 1157:13, 1170:13, 1199:2, 1201:6, 1201:11, 1201:21, 1213:14, 1214:12, 1215:3, 1218:13, 1221:4, 1221:24, 1222:10, 1244:13, 1245:23, 1248:4, 1248:6, 1248:15, 1249:2, 1249:16, 1249:25, 1250:19, 1252:16</p>	<p style="text-align: center;"><b>H</b></p> <p><b>hair</b> [3] - 1073:10, 1073:11, 1250:3  <b>hairstyle</b> [3] - 1253:24, 1253:25, 1254:3  <b>half</b> [2] - 1252:14, 1290:11  <b>hallucinations</b> [1] - 1193:13  <b>hallway</b> [1] - 1190:13  <b>hand</b> [10] - 1071:9, 1119:24, 1135:19, 1152:2, 1226:9, 1278:16, 1281:20, 1306:4, 1307:4, 1327:22  <b>handed</b> [6] - 1116:17, 1118:3, 1118:12, 1128:7, 1296:1, 1296:4  <b>handle</b> [4] - 1112:20, 1134:22, 1150:22, 1192:2  <b>handled</b> [1] - 1135:5  <b>handling</b> [1] - 1117:3  <b>hands</b> [6] - 1098:7, 1118:7, 1118:20, 1119:12, 1121:4, 1151:16  <b>handwriting</b> [1] - 1311:5  <b>hang</b> [8] - 1139:19, 1238:22, 1239:24, 1249:2, 1249:16, 1249:20, 1249:21  <b>hanging</b> [5] - 1099:6, 1111:9, 1248:12, 1248:14, 1248:16  <b>happy</b> [1] - 1259:2  <b>hard</b> [4] - 1193:4, 1195:19, 1288:14, 1296:1  <b>hash</b> [1] - 1160:17  <b>head</b> [13] - 1074:19, 1096:7, 1102:6, 1102:8, 1206:20, 1207:10, 1207:12, 1207:19, 1216:6, 1268:7, 1271:20, 1271:23, 1280:4  <b>head-butted</b> [1] - 1216:6  <b>headboard</b> [2] - 1082:21, 1090:17  <b>headbutted</b> [1] - 1147:11  <b>headbutts</b> [1] - 1143:12  <b>headphones</b> [1] - 1115:6  <b>health</b> [6] - 1061:15, 1061:17, 1061:20, 1203:10, 1279:15, 1282:13  <b>healthy</b> [1] - 1064:19  <b>hear</b> [18] - 1061:3, 1061:8, 1066:11, 1066:12, 1066:16, 1074:9, 1074:10, 1075:22, 1100:24, 1123:17, 1125:22, 1204:2, 1258:11, 1260:1, 1261:24, 1264:12, 1266:21, 1293:19  <b>heard</b> [22] - 1068:24, 1099:8, 1103:1, 1103:8, 1116:21, 1118:7, 1122:23, 1123:8, 1128:22, 1142:21, 1161:21, 1163:8, 1163:12, 1163:17, 1163:20, 1172:10, 1175:17, 1187:20, 1264:10, 1264:15, 1264:25  <b>hearing</b> [4] - 1187:12, 1253:2, 1253:4, 1299:1  <b>hearsay</b> [10] - 1172:9, 1261:8, 1261:15, 1263:16, 1264:11, 1264:17, 1264:24, 1299:7, 1317:21, 1318:22  <b>heated</b> [2] - 1099:23, 1100:5  <b>height</b> [1] - 1198:9  <b>held</b> [7] - 1081:6, 1083:25, 1084:1, 1099:5, 1099:24, 1129:23, 1131:23  <b>help</b> [20] - 1060:10, 1060:14, 1170:13,</p>	<p>1198:16, 1199:2, 1203:14, 1212:17, 1212:19, 1223:11, 1223:13, 1223:20, 1223:25, 1224:7, 1230:18, 1243:20, 1260:6, 1266:4, 1278:22, 1278:24, 1283:5  <b>helped</b> [1] - 1250:6  <b>Hernandez</b> [1] - 1195:25  <b>herself</b> [3] - 1061:22, 1118:4, 1284:23  <b>Hi</b> [3] - 1218:23, 1219:8  <b>hi</b> [2] - 1122:11, 1190:3  <b>Hi-Point</b> [3] - 1218:23, 1219:8  <b>high</b> [11] - 1079:12, 1081:4, 1132:20, 1150:18, 1150:20, 1150:21, 1151:19, 1152:18, 1153:5, 1153:10, 1191:22  <b>higher</b> [5] - 1166:14, 1173:10, 1174:14, 1174:22, 1279:13  <b>higher-ups</b> [3] - 1173:10, 1174:14, 1174:22  <b>highest</b> [3] - 1079:12, 1079:18, 1080:8  <b>Highland</b> [4] - 1101:13, 1158:19, 1160:12  <b>highlight</b> [1] - 1148:14  <b>highway</b> [1] - 1228:6  <b>himself</b> [7] - 1127:18, 1130:13, 1141:21, 1144:1, 1216:20, 1217:17, 1320:24  <b>hire</b> [1] - 1210:16  <b>hired</b> [1] - 1210:14  <b>Hispanic</b> [1] - 1196:24  <b>history</b> [1] - 1159:21  <b>hit</b> [11] - 1114:3, 1118:24, 1142:8, 1187:4, 1198:3, 1227:16, 1228:8, 1228:9, 1242:22, 1267:8, 1272:17  <b>hitting</b> [4] - 1165:15, 1165:16, 1165:17  <b>hm</b> [6] - 1119:6, 1220:22, 1225:6, 1225:14, 1231:8, 1232:12  <b>hmm</b> [15] - 1141:20, 1235:10, 1237:11, 1238:7, 1239:5, 1240:1, 1240:14, 1240:18, 1241:5, 1243:21, 1244:6, 1244:20, 1254:9, 1257:4, 1257:9  <b>hold</b> [14] - 1059:7, 1059:12, 1100:2, 1102:15, 1102:21, 1102:23, 1114:19, 1153:14, 1242:21, 1243:2, 1243:16, 1277:3, 1296:22, 1325:14  <b>hole</b> [1] - 1114:12  <b>holler</b> [3] - 1217:20, 1250:17  <b>home</b> [18] - 1059:11, 1061:15, 1061:17, 1061:20, 1130:11, 1130:17, 1175:3, 1175:4, 1175:5, 1236:6, 1284:19, 1285:1, 1286:1, 1287:6, 1287:7, 1332:3  <b>homeboy</b> [1] - 1228:25  <b>homey</b> [12] - 1074:17, 1074:18, 1075:10, 1075:11, 1077:24, 1078:3, 1080:9, 1080:10, 1090:4, 1100:7, 1107:5, 1109:23  <b>Homicide</b> [2] - 1071:17, 1072:6  <b>homicides</b> [1] - 1309:9  <b>homie</b> [4] - 1138:16, 1139:22, 1238:16, 1239:1  <b>homies</b> [3] - 1112:25, 1173:11, 1243:9</p>
---	---	--

<p><b>honcho</b> [1] - 1074:19</p> <p><b>honest</b> [9] - 1115:25, 1134:19, 1139:12, 1179:24, 1180:3, 1271:14, 1278:20, 1284:22, 1285:9</p> <p><b>honestly</b> [9] - 1076:5, 1083:23, 1125:21, 1164:10, 1180:13, 1246:17, 1280:16, 1284:19, 1285:11</p> <p><b>Honor</b> [108] - 1060:5, 1060:23, 1061:5, 1061:12, 1061:23, 1062:15, 1062:21, 1064:24, 1064:25, 1065:6, 1081:24, 1089:22, 1090:16, 1093:8, 1122:4, 1122:15, 1122:24, 1123:13, 1123:19, 1125:3, 1125:16, 1126:13, 1127:21, 1128:2, 1128:9, 1129:10, 1129:19, 1136:13, 1137:18, 1144:17, 1145:17, 1146:20, 1146:22, 1147:14, 1172:5, 1172:8, 1172:12, 1173:2, 1181:4, 1188:17, 1188:21, 1189:2, 1189:19, 1189:23, 1190:5, 1191:8, 1246:5, 1258:12, 1259:18, 1259:21, 1260:7, 1260:13, 1261:5, 1262:9, 1262:19, 1263:13, 1265:12, 1266:10, 1266:13, 1266:24, 1267:10, 1276:12, 1283:8, 1288:20, 1288:25, 1289:5, 1289:8, 1295:22, 1295:25, 1296:15, 1299:3, 1299:5, 1299:11, 1299:15, 1302:18, 1303:9, 1303:16, 1303:21, 1305:8, 1306:1, 1306:4, 1306:15, 1306:21, 1311:6, 1315:8, 1315:14, 1315:16, 1317:22, 1318:22, 1319:2, 1325:19, 1325:23, 1326:15, 1327:11, 1327:15, 1331:14, 1331:16, 1331:22, 1332:10, 1332:19, 1333:1, 1333:14, 1334:7, 1334:18, 1334:19, 1334:23, 1335:1, 1335:19</p> <p><b>HONORABLE</b> [1] - 1058:12</p> <p><b>hood</b> [10] - 1068:13, 1069:13, 1069:14, 1071:2, 1073:20, 1076:3, 1077:9, 1085:3, 1100:7, 1148:5</p> <p><b>hoodie</b> [1] - 1151:20</p> <p><b>hoods</b> [6] - 1068:15, 1068:20, 1069:25, 1077:13, 1088:25, 1142:11</p> <p><b>hop</b> [1] - 1228:16</p> <p><b>hopefully</b> [1] - 1118:19</p> <p><b>hoping</b> [4] - 1220:19, 1282:20, 1282:22, 1286:8</p> <p><b>Hospital</b> [2] - 1309:18, 1310:13</p> <p><b>hospital</b> [13] - 1204:15, 1204:17, 1204:18, 1309:15, 1309:20, 1310:12, 1310:13, 1311:15, 1319:19, 1320:2, 1320:4, 1320:16, 1321:25</p> <p><b>hospitalized</b> [1] - 1320:13</p> <p><b>host</b> [9] - 1081:17, 1208:24, 1209:2, 1209:3, 1209:18, 1209:19, 1209:21, 1210:6, 1210:7</p> <p><b>hosted</b> [2] - 1209:1, 1209:9</p> <p><b>hosting</b> [2] - 1209:22, 1209:23</p> <p><b>hot</b> [1] - 1156:24</p> <p><b>hour</b> [2] - 1109:19, 1188:15</p> <p><b>hourly</b> [2] - 1318:12, 1318:18</p>	<p><b>hours</b> [7] - 1105:25, 1205:1, 1205:7, 1280:7, 1280:10, 1282:9, 1333:8</p> <p><b>house</b> [19] - 1101:12, 1158:19, 1160:11, 1160:22, 1170:23, 1200:11, 1205:9, 1226:13, 1226:15, 1231:18, 1231:19, 1243:6, 1243:7, 1288:7, 1288:8, 1293:2, 1293:6, 1297:21, 1317:14</p> <p><b>housed</b> [1] - 1301:17</p> <p><b>houses</b> [1] - 1151:2</p> <p><b>housing</b> [2] - 1294:9, 1301:21</p> <p><b>huge</b> [1] - 1255:25</p> <p><b>hum</b> [10] - 1069:23, 1159:4, 1163:21, 1167:19, 1169:24, 1175:19, 1178:17, 1186:11, 1275:20, 1276:16</p> <p><b>hundred</b> [1] - 1072:18</p> <p><b>hung</b> [5] - 1208:16, 1238:23, 1240:13, 1249:21, 1251:13</p> <p><b>hurt</b> [8] - 1166:2, 1178:14, 1178:16, 1229:13, 1229:15, 1245:15, 1255:23, 1318:21</p> <p><b>hurting</b> [1] - 1117:1</p> <p><b>hyperactive</b> [1] - 1193:16</p> <p><b>hypertension</b> [1] - 1206:10</p>	<p><b>Impeachment</b> [1] - 1261:18</p> <p><b>important</b> [3] - 1099:25, 1127:15, 1278:2</p> <p><b>imprisonment</b> [1] - 1183:8</p> <p><b>improper</b> [1] - 1302:19</p> <p><b>improve</b> [2] - 1111:10, 1111:11</p> <p><b>incarcerated</b> [3] - 1170:13, 1170:25, 1224:10</p> <p><b>incarceration</b> [1] - 1088:25</p> <p><b>incident</b> [3] - 1319:11, 1319:14, 1320:13</p> <p><b>incidents</b> [1] - 1320:21</p> <p><b>inclining</b> [1] - 1142:4</p> <p><b>included</b> [3] - 1183:22, 1184:3, 1184:5</p> <p><b>includes</b> [1] - 1077:13</p> <p><b>including</b> [3] - 1117:4, 1176:19, 1182:11</p> <p><b>inconsistent</b> [1] - 1334:8</p> <p><b>incurred</b> [1] - 1166:17</p> <p><b>independent</b> [4] - 1319:14, 1319:20, 1323:19, 1325:16</p> <p><b>indicated</b> [1] - 1329:13</p> <p><b>indicating</b> [2] - 1070:17, 1109:2</p> <p><b>Indicating</b> [2] - 1095:16, 1095:22</p> <p><b>indicating</b> [3] - 1071:7, 1094:4, 1097:15</p> <p><b>indications</b> [2] - 1293:17, 1313:22</p> <p><b>indicted</b> [8] - 1084:6, 1087:2, 1089:4, 1186:17, 1226:7, 1246:22, 1268:21</p> <p><b>indirectly</b> [1] - 1142:3</p> <p><b>individual</b> [27] - 1072:22, 1073:14, 1074:3, 1075:9, 1085:25, 1087:23, 1088:16, 1089:7, 1089:12, 1102:18, 1108:20, 1113:16, 1114:11, 1115:17, 1118:15, 1120:9, 1131:20, 1147:25, 1171:6, 1219:10, 1219:11, 1228:15, 1242:5, 1251:11, 1272:17, 1329:5</p> <p><b>individuals</b> [25] - 1079:10, 1079:11, 1093:23, 1098:24, 1099:3, 1099:25, 1100:6, 1103:17, 1108:18, 1108:19, 1108:22, 1114:1, 1115:2, 1118:13, 1124:16, 1126:16, 1127:18, 1162:11, 1167:8, 1170:6, 1170:7, 1174:24, 1205:15, 1218:24</p> <p><b>induced</b> [1] - 1204:14</p> <p><b>inevitable</b> [1] - 1285:22</p> <p><b>inflatable</b> [1] - 1203:1</p> <p><b>influence</b> [7] - 1090:3, 1132:24, 1170:16, 1170:18, 1170:22, 1187:23, 1214:17</p> <p><b>influenced</b> [3] - 1195:17, 1195:20, 1212:9</p> <p><b>info</b> [1] - 1273:13</p> <p><b>inform</b> [1] - 1152:15</p> <p><b>information</b> [26] - 1059:22, 1061:11, 1064:17, 1083:14, 1107:11, 1107:16, 1108:15, 1126:1, 1140:17, 1145:9, 1157:16, 1173:10, 1266:3, 1273:15, 1277:22, 1297:10, 1297:16, 1300:23, 1301:23, 1302:12, 1304:15, 1304:17,</p>
<b>I</b>		
<p><b>ICU</b> [1] - 1319:24</p> <p><b>ID</b> [1] - 1241:24</p> <p><b>idea</b> [5] - 1103:22, 1164:16, 1225:7, 1225:8, 1333:16</p> <p><b>identification</b> [10] - 1147:2, 1296:2, 1311:4, 1322:25, 1324:1, 1324:2, 1324:6, 1324:9, 1324:13, 1326:4</p> <p><b>identified</b> [9] - 1069:3, 1073:2, 1118:4, 1300:3, 1300:4, 1313:20, 1314:10, 1316:15</p> <p><b>identifies</b> [1] - 1124:16</p> <p><b>identify</b> [12] - 1069:23, 1070:9, 1071:3, 1081:22, 1094:5, 1096:3, 1127:17, 1148:12, 1195:13, 1213:23, 1313:12, 1314:20</p> <p><b>identifying</b> [1] - 1144:1</p> <p><b>identity</b> [2] - 1094:18, 1328:21</p> <p><b>ignorance</b> [1] - 1214:18</p> <p><b>ILEANA</b> [1] - 1058:21</p> <p><b>illegal</b> [2] - 1169:3, 1209:5</p> <p><b>ima</b> [1] - 1156:12</p> <p><b>image</b> [3] - 1130:7, 1140:20, 1156:19</p> <p><b>imagine</b> [1] - 1085:2</p> <p><b>IME</b> [1] - 1145:9</p> <p><b>IMED</b> [1] - 1145:9</p> <p><b>IMEI</b> [8] - 1124:5, 1125:13, 1125:15, 1126:12, 1126:20, 1145:10, 1145:22, 1146:1</p> <p><b>immediately</b> [1] - 1152:8</p> <p><b>immunity</b> [1] - 1335:3</p> <p><b>impeach</b> [3] - 1263:17, 1263:21, 1264:12</p> <p><b>impeaching</b> [1] - 1263:23</p> <p><b>impeachment</b> [2] - 1261:17, 1264:13</p>		

1324:19, 1324:22, 1325:4, 1325:12  
**informed** [3] - 1075:13, 1161:12, 1227:4  
**initial** [1] - 1060:8  
**initialed** [1] - 1314:2  
**initials** [4] - 1314:6, 1314:7, 1322:4, 1322:15  
**injuries** [11] - 1166:4, 1166:6, 1166:16, 1177:19, 1179:1, 1179:3, 1179:4, 1179:8, 1282:3, 1322:2  
**injury** [1] - 1204:25  
**inmate** [17] - 1140:9, 1140:16, 1140:22, 1292:17, 1293:7, 1294:5, 1294:10, 1294:14, 1297:3, 1297:19, 1298:14, 1299:1, 1300:18, 1301:17, 1301:20, 1304:24, 1304:25  
**inmate's** [3] - 1294:17, 1300:2, 1300:3  
**inmates** [15] - 1239:14, 1290:21, 1291:14, 1291:15, 1293:2, 1293:13, 1293:24, 1294:17, 1294:24, 1297:12, 1297:13, 1298:6, 1300:13, 1300:25, 1301:5  
**innocent** [6] - 1115:5, 1115:17, 1164:10, 1164:14, 1215:3, 1228:5  
**input** [1] - 1299:13  
**inputted** [1] - 1304:15  
**inside** [2] - 1100:6, 1310:13  
**Instagram** [15] - 1081:18, 1103:9, 1153:25, 1155:7, 1175:13, 1175:15, 1197:24, 1199:20, 1199:23, 1199:24, 1199:25, 1200:8, 1200:17, 1286:17  
**instance** [1] - 1069:24  
**instances** [1] - 1150:4  
**instead** [2] - 1120:6, 1130:19  
**instruct** [4] - 1062:11, 1063:14, 1064:15, 1267:5  
**instruction** [5] - 1063:17, 1334:8, 1335:7, 1335:13, 1335:16  
**insurance** [20] - 1164:6, 1166:13, 1178:12, 1178:23, 1182:16, 1182:19, 1224:17, 1225:7, 1225:16, 1226:7, 1227:6, 1227:14, 1242:11, 1276:22, 1277:1, 1277:6, 1278:10, 1279:4, 1281:6, 1281:10  
**insurance's** [1] - 1178:4  
**intake** [4] - 1205:4, 1205:5, 1205:6, 1205:8  
**intel** [4] - 1291:1, 1291:9, 1291:10, 1293:12  
**Intelligence** [2] - 1291:8, 1291:10  
**intelligence** [2] - 1292:23, 1293:1  
**interest** [1] - 1159:17  
**interested** [1] - 1227:21  
**interview** [8] - 1254:7, 1257:25, 1258:23, 1259:1, 1267:12, 1293:5, 1297:12, 1304:25  
**interviewed** [5] - 1281:4, 1291:14, 1291:15, 1297:6, 1300:5  
**intimidate** [1] - 1187:14  
**intimidating** [7] - 1159:20, 1187:7, 1187:10, 1237:13, 1238:1, 1240:15,

1240:21  
**intoxicated** [1] - 1313:3  
**intravenous** [1] - 1320:7  
**introduced** [1] - 1302:25  
**introducing** [1] - 1076:14  
**introduction** [1] - 1167:12  
**invested** [1] - 1169:21  
**investigate** [2] - 1291:24, 1321:5  
**investigating** [1] - 1308:14  
**investigation** [4] - 1321:7, 1321:15, 1321:19, 1329:12  
**Investigation** [3] - 1291:2, 1291:4, 1291:20  
**Investigator** [4] - 1289:9, 1303:25, 1304:5, 1304:8  
**investigator** [3] - 1291:22, 1308:11, 1309:9  
**invoice** [6] - 1128:24, 1330:5, 1330:9, 1330:11, 1330:24, 1331:2  
**involved** [5] - 1165:25, 1224:23, 1224:25, 1225:1  
**involvement** [2] - 1176:23, 1310:8  
**involving** [1] - 1320:22  
**iPhone** [2] - 1145:9, 1245:19  
**irrelevant** [1] - 1223:19  
**IS** [1] - 1189:14  
**is...you** [1] - 1275:9  
**Island** [14] - 1270:24, 1271:12, 1290:16, 1290:17, 1291:14, 1291:25, 1292:11, 1294:4, 1294:16, 1294:22, 1296:14, 1301:5, 1302:13  
**issue** [18] - 1060:24, 1062:13, 1062:14, 1113:16, 1124:8, 1124:17, 1125:18, 1125:24, 1128:18, 1128:21, 1161:15, 1190:6, 1190:9, 1204:23, 1204:24, 1207:3, 1260:22  
**issues** [8] - 1062:19, 1123:19, 1129:1, 1154:6, 1161:13, 1192:1, 1192:14, 1293:3  
**IT** [1] - 1126:6  
**itself** [1] - 1299:16  
**IU** [1] - 1300:19  
**Iz** [5] - 1079:4, 1079:5, 1094:16, 1094:17

## J

**jacking** [5] - 1101:20, 1101:21, 1101:22, 1148:9, 1217:13  
**Jacking** [3] - 1101:23, 1143:6  
**Jackson** [5] - 1059:12, 1060:20, 1062:10, 1063:9, 1072:21  
**jail** [22] - 1106:16, 1109:21, 1110:12, 1110:13, 1130:12, 1140:1, 1140:3, 1148:8, 1200:6, 1200:8, 1200:15, 1226:24, 1237:3, 1239:7, 1275:5, 1275:6, 1275:9, 1275:11, 1286:21, 1295:9, 1295:16, 1295:20  
**jail's** [1] - 1239:11  
**jails** [4] - 1109:23, 1110:12, 1110:14, 1110:16

**Jamaica** [2] - 1160:11, 1160:12  
**Jamaicans** [5] - 1150:10, 1150:17, 1220:10, 1220:17, 1221:22  
**Jamaicans'** [1] - 1151:2  
**James** [2] - 1327:16, 1328:1  
**JAMES** [3] - 1328:1, 1328:3, 1336:15  
**January** [3] - 1058:7, 1257:5, 1335:23  
**jean** [1] - 1140:4  
**jeans** [5] - 1139:24, 1139:25, 1239:6, 1239:7, 1239:15  
**Jimmy** [1] - 1165:4  
**JM-2** [1] - 1315:11  
**JM-3** [1] - 1315:12  
**job** [5] - 1117:17, 1169:9, 1199:7, 1308:14, 1309:8  
**jobs** [1] - 1169:10  
**John** [3] - 1080:19, 1306:2, 1307:8  
**JOHN** [3] - 1307:8, 1308:1, 1336:10  
**join** [4] - 1079:23, 1083:2, 1195:10, 1195:17  
**joined** [8] - 1066:8, 1066:18, 1072:14, 1083:9, 1083:11, 1090:12, 1195:9, 1197:14  
**joke** [2] - 1198:6, 1203:8  
**joker** [1] - 1114:16  
**Joker** [21] - 1075:9, 1075:10, 1112:16, 1113:14, 1113:15, 1114:13, 1114:15, 1118:11, 1118:12, 1167:1, 1167:7, 1211:14, 1211:15, 1211:17, 1211:18, 1212:3, 1212:4, 1212:15, 1212:16  
**joking** [1] - 1158:20  
**JONATHAN** [1] - 1058:18  
**Joshua** [3] - 1088:17, 1099:22, 1235:22  
**judge** [10] - 1183:21, 1184:9, 1184:11, 1184:13, 1184:15, 1184:20, 1184:25, 1274:13, 1277:4  
**JUDGE** [1] - 1058:12  
**Judge** [1] - 1060:21  
**July** [11] - 1124:1, 1136:18, 1156:3, 1244:1, 1244:13, 1246:25, 1247:13, 1248:10, 1274:1, 1274:2  
**jump** [3] - 1287:17, 1287:18, 1287:20  
**jumped** [4] - 1144:9, 1165:3, 1175:6, 1195:19  
**June** [15] - 1247:18, 1252:11, 1252:12, 1252:14, 1252:22, 1253:1, 1253:8, 1253:10, 1256:16, 1257:7, 1267:21, 1270:12, 1271:21, 1329:10, 1329:13  
**junior** [1] - 1191:22  
**Juror** [10] - 1059:7, 1059:12, 1060:9, 1061:15, 1062:6, 1062:7, 1063:9, 1063:25, 1064:1, 1064:3  
**juror** [5] - 1061:10, 1061:21, 1061:25, 1063:15, 1190:14  
**jurors** [15] - 1062:16, 1064:22, 1085:23, 1121:19, 1129:12, 1188:7, 1189:14, 1190:13, 1190:15, 1190:20, 1191:4, 1258:4, 1267:3, 1306:18, 1332:3  
**jury** [44] - 1059:1, 1063:14, 1063:17, 1063:18, 1063:19, 1063:20, 1063:23,



<p>1064:6, 1070:23, 1121:24, 1122:17, 1123:8, 1125:21, 1127:13, 1127:22, 1128:11, 1128:22, 1129:6, 1188:11, 1189:12, 1190:2, 1191:3, 1197:18, 1227:17, 1248:6, 1249:19, 1258:17, 1259:3, 1259:5, 1259:22, 1259:25, 1260:14, 1260:25, 1263:6, 1265:18, 1266:12, 1267:5, 1278:14, 1306:11, 1306:13, 1306:17, 1332:11, 1332:16, 1335:6</p> <p><b>Jury</b> [6] - 1129:11, 1188:14, 1258:7, 1267:2, 1321:2, 1335:5</p> <p><b>JURY</b> [3] - 1058:11, 1085:24, 1188:9</p> <p><b>Justice</b> [1] - 1308:13</p> <p><b>juvenile</b> [1] - 1275:11</p>	<p>1298:10, 1301:23</p> <p><b>kinda</b> [1] - 1074:8</p> <p><b>kinds</b> [6] - 1074:5, 1248:6, 1249:19, 1301:23, 1302:8, 1303:6</p> <p><b>King</b> [1] - 1210:16</p> <p><b>Kings</b> [1] - 1070:16</p> <p><b>Kiscaya</b> [3] - 1196:8, 1196:10, 1196:17</p> <p><b>kitty</b> [8] - 1169:17, 1169:18, 1169:23, 1169:25, 1170:1, 1170:11, 1170:17</p> <p><b>kitty's</b> [1] - 1170:19</p> <p><b>KIYO</b> [1] - 1058:12</p> <p><b>knee</b> [4] - 1166:18, 1166:20, 1230:25, 1231:2</p> <p><b>knees</b> [2] - 1166:8, 1166:19</p> <p><b>Knickerbocker</b> [2] - 1196:4, 1196:19</p> <p><b>knife</b> [2] - 1231:7, 1279:16</p> <p><b>knock</b> [3] - 1151:5, 1151:6, 1220:14</p> <p><b>knocked</b> [2] - 1120:20, 1220:13</p> <p><b>knocks</b> [1] - 1120:20</p> <p><b>Knowing</b> [1] - 1149:2</p> <p><b>knowing</b> [2] - 1131:12, 1279:18</p> <p><b>knowledge</b> [10] - 1081:6, 1099:15, 1124:15, 1127:16, 1128:17, 1168:2, 1168:4, 1168:6, 1168:8, 1304:10</p> <p><b>known</b> [9] - 1073:5, 1074:12, 1081:1, 1116:10, 1116:11, 1153:6, 1191:13, 1262:20, 1290:8</p> <p><b>knows</b> [2] - 1061:20, 1135:2</p> <p><b>kush</b> [2] - 1163:6, 1163:16</p>	<p><b>lead</b> [4] - 1094:21, 1100:22, 1100:23, 1102:12</p> <p><b>leading</b> [1] - 1159:12</p> <p><b>learn</b> [3] - 1161:13, 1228:18, 1228:23</p> <p><b>learned</b> [4] - 1133:21, 1153:21, 1228:22, 1292:16</p> <p><b>learning</b> [1] - 1131:12</p> <p><b>least</b> [1] - 1242:7</p> <p><b>leave</b> [6] - 1115:11, 1121:21, 1188:11, 1286:18, 1289:17, 1314:14</p> <p><b>leaves</b> [1] - 1188:25</p> <p><b>leaving</b> [1] - 1142:12</p> <p><b>led</b> [1] - 1100:10</p> <p><b>leeway</b> [1] - 1124:12</p> <p><b>left</b> [18] - 1059:9, 1059:17, 1086:9, 1095:23, 1098:24, 1115:15, 1166:18, 1166:20, 1194:11, 1195:8, 1195:10, 1195:11, 1198:20, 1201:19, 1204:8, 1286:22, 1328:14, 1328:16</p> <p><b>leg</b> [2] - 1187:15, 1319:17</p> <p><b>legal</b> [1] - 1169:3</p> <p><b>legs</b> [1] - 1319:17</p> <p><b>lemon</b> [1] - 1163:8</p> <p><b>lengthy</b> [1] - 1062:17</p> <p><b>lent</b> [1] - 1243:10</p> <p><b>less</b> [1] - 1287:8</p> <p><b>letter</b> [23] - 1183:22, 1183:24, 1183:25, 1184:6, 1184:11, 1184:23, 1284:15, 1284:18, 1284:25, 1285:17, 1285:20, 1286:6, 1286:24, 1287:2, 1287:5, 1334:8, 1334:9, 1334:11, 1334:14, 1335:1, 1335:4, 1335:11, 1335:16</p> <p><b>letters</b> [1] - 1334:19</p> <p><b>letting</b> [5] - 1076:12, 1148:5, 1156:13, 1245:8, 1245:9</p> <p><b>Letting</b> [1] - 1148:4</p> <p><b>level</b> [1] - 1187:5</p> <p><b>liberal</b> [1] - 1292:4</p> <p><b>license</b> [5] - 1165:7, 1227:24, 1227:25, 1228:16, 1300:2</p> <p><b>licensed</b> [1] - 1308:15</p> <p><b>lie</b> [14] - 1177:8, 1178:11, 1178:17, 1179:10, 1179:12, 1185:20, 1185:21, 1185:24, 1186:1, 1278:8, 1279:8, 1279:19, 1284:7, 1285:12</p> <p><b>lied</b> [5] - 1177:5, 1178:9, 1178:10, 1179:15, 1182:19</p> <p><b>lies</b> [1] - 1278:10</p> <p><b>life</b> [7] - 1109:25, 1183:6, 1183:8, 1184:22, 1186:2, 1187:12, 1256:10</p> <p><b>Life</b> [1] - 1276:18</p> <p><b>lifestyle</b> [2] - 1185:16, 1186:15</p> <p><b>light</b> [5] - 1096:14, 1217:8, 1232:18, 1232:19, 1232:20</p> <p><b>like..</b> [1] - 1208:2</p> <p><b>likely</b> [4] - 1064:7, 1103:20, 1117:13, 1333:8</p> <p><b>limiting</b> [1] - 1335:16</p> <p><b>Line</b> [1] - 1238:19</p> <p><b>line</b> [16] - 1059:11, 1062:10, 1068:9,</p>
<b>K</b>		
<p><b>K-E-L-L-Z</b> [2] - 1090:8, 1090:9</p> <p><b>Kalashnikov</b> [1] - 1086:12</p> <p><b>keep</b> [7] - 1156:12, 1169:12, 1190:16, 1190:24, 1205:11, 1205:12, 1245:7</p> <p><b>keeping</b> [1] - 1255:22</p> <p><b>keeps</b> [1] - 1120:10</p> <p><b>Kells</b> [1] - 1150:21</p> <p><b>KELLS</b> [1] - 1090:7</p> <p><b>Kellz</b> [35] - 1089:15, 1089:24, 1089:25, 1090:7, 1090:10, 1091:5, 1142:18, 1142:22, 1144:9, 1150:23, 1150:24, 1152:13, 1152:16, 1153:4, 1153:13, 1156:20, 1157:13, 1168:1, 1168:2, 1168:13, 1211:21, 1213:20, 1219:7, 1221:11, 1221:15, 1222:9, 1222:11, 1247:7, 1249:23</p> <p><b>Kellz's</b> [1] - 1153:3</p> <p><b>kept</b> [6] - 1168:13, 1222:8, 1247:25, 1295:11, 1298:20, 1302:2</p> <p><b>keys</b> [1] - 1114:23</p> <p><b>Kia</b> [3] - 1093:25, 1234:19, 1234:21</p> <p><b>kick</b> [1] - 1222:14</p> <p><b>kicked</b> [2] - 1114:5, 1117:8</p> <p><b>kicking</b> [2] - 1114:2, 1202:22</p> <p><b>kid</b> [10] - 1115:4, 1151:21, 1193:21, 1207:9, 1213:12, 1213:15, 1214:5, 1214:12, 1215:22</p> <p><b>kids</b> [4] - 1115:4, 1115:6, 1193:19, 1193:24</p> <p><b>kill</b> [2] - 1246:1, 1246:6</p> <p><b>killed</b> [2] - 1100:8, 1156:17</p> <p><b>kind</b> [47] - 1074:5, 1074:7, 1099:6, 1100:5, 1104:19, 1107:1, 1107:3, 1107:4, 1109:4, 1111:23, 1112:9, 1113:8, 1115:24, 1119:19, 1130:12, 1130:19, 1131:16, 1142:7, 1142:23, 1143:10, 1144:4, 1151:24, 1152:4, 1157:21, 1158:14, 1159:20, 1161:9, 1162:12, 1165:3, 1167:15, 1193:4, 1195:19, 1197:18, 1197:22, 1198:10, 1200:17, 1207:8, 1208:19, 1209:1, 1215:22, 1219:12, 1249:25, 1264:21,</p>	<p><b>lab</b> [3] - 1330:5, 1331:7, 1331:9</p> <p><b>lady</b> [2] - 1194:12, 1277:20</p> <p><b>laid</b> [2] - 1125:12, 1127:2</p> <p><b>landscape</b> [1] - 1062:25</p> <p><b>lane</b> [1] - 1169:9</p> <p><b>language</b> [1] - 1111:4</p> <p><b>larceny</b> [1] - 1328:21</p> <p><b>last</b> [22] - 1063:15, 1089:3, 1089:20, 1091:12, 1140:18, 1155:15, 1156:15, 1157:11, 1180:21, 1186:25, 1204:8, 1245:20, 1263:7, 1266:14, 1266:17, 1266:19, 1266:24, 1267:6, 1308:11, 1326:16, 1328:20, 1334:15</p> <p><b>lasted</b> [1] - 1109:18</p> <p><b>late</b> [4] - 1107:2, 1143:4, 1192:7, 1192:8</p> <p><b>laugh</b> [1] - 1203:6</p> <p><b>law</b> [6] - 1064:15, 1129:4, 1144:22, 1184:17, 1242:2, 1255:3</p> <p><b>laws</b> [1] - 1268:22</p> <p><b>lawsuit</b> [6] - 1164:23, 1165:12, 1177:14, 1225:25, 1227:20, 1229:7</p> <p><b>lawsuits</b> [3] - 1177:11, 1177:12, 1242:14</p> <p><b>lawyer</b> [8] - 1177:19, 1177:23, 1178:2, 1178:3, 1178:5, 1178:6, 1226:25</p> <p><b>lawyer's</b> [1] - 1267:6</p> <p><b>lawyers</b> [1] - 1282:5</p> <p><b>layer</b> [1] - 1264:11</p>	
<b>L</b>		

1173:18, 1189:11, 1211:9, 1238:18,  
 1238:20, 1238:22, 1238:25, 1239:18,  
 1239:21, 1312:3, 1323:11, 1323:12,  
 1334:15  
**lines** [2] - 1068:1, 1141:23  
**Lineup** [1] - 1130:1  
**lineup** [18] - 1079:7, 1079:9, 1079:10,  
 1079:14, 1079:16, 1079:18, 1079:23,  
 1079:25, 1082:25, 1083:2, 1083:9,  
 1083:15, 1083:20, 1084:4, 1084:23,  
 1129:25, 1174:23, 1321:16  
**lingo** [1] - 1207:15  
**link** [3] - 1149:13, 1149:17  
**linked** [3] - 1142:20, 1142:21  
**liquor** [1] - 1214:16  
**list** [3] - 1079:10, 1079:11, 1298:16  
**listed** [1] - 1140:22  
**listen** [17] - 1074:5, 1105:3, 1112:19,  
 1120:12, 1121:5, 1143:5, 1144:6,  
 1148:6, 1242:4, 1248:17, 1271:9,  
 1287:6, 1287:22, 1288:8, 1293:13,  
 1293:25, 1295:20  
**Listen** [1] - 1120:15  
**listened** [2] - 1293:24, 1296:7  
**listening** [4] - 1074:3, 1101:14,  
 1115:12, 1216:18  
**lists** [1] - 1298:17  
**literally** [10] - 1120:19, 1170:2, 1207:11,  
 1211:21, 1214:22, 1215:8, 1226:12,  
 1249:21, 1284:24  
**live** [6] - 1165:17, 1183:18, 1194:11,  
 1196:25, 1224:11  
**lives** [2] - 1153:11, 1164:10  
**living** [4] - 1167:24, 1292:17, 1292:20,  
 1317:15  
**loan** [1] - 1242:14  
**located** [2] - 1196:14, 1294:8  
**location** [4] - 1126:14, 1157:17,  
 1210:17, 1326:9  
**locations** [1] - 1210:18  
**lock** [1] - 1251:13  
**locked** [29] - 1170:5, 1171:10, 1200:24,  
 1247:20, 1247:24, 1248:22, 1249:13,  
 1249:16, 1251:12, 1252:7, 1252:10,  
 1252:11, 1252:12, 1252:13, 1252:23,  
 1256:19, 1256:21, 1256:23, 1256:25,  
 1257:7, 1257:10, 1269:24, 1271:9,  
 1271:10, 1271:21, 1275:10, 1281:1,  
 1282:18  
**look** [21] - 1067:18, 1067:21, 1068:1,  
 1068:9, 1093:5, 1135:24, 1144:22,  
 1171:24, 1173:15, 1238:4, 1240:5,  
 1259:3, 1271:5, 1281:2, 1281:8,  
 1282:23, 1286:16, 1297:19, 1304:14,  
 1304:16, 1323:12  
**Look** [1] - 1265:20  
**looked** [16] - 1081:14, 1118:5, 1120:14,  
 1132:24, 1151:23, 1151:24, 1152:2,  
 1152:5, 1164:21, 1201:11, 1207:8,  
 1280:23, 1281:3, 1281:8, 1322:12

**looking** [22] - 1071:15, 1074:13,  
 1081:19, 1103:12, 1108:17, 1114:24,  
 1142:17, 1149:19, 1153:22, 1153:24,  
 1154:1, 1185:22, 1185:23, 1186:7,  
 1220:17, 1235:23, 1280:19, 1287:14,  
 1288:11, 1288:13, 1288:16  
**looks** [6] - 1108:23, 1108:24, 1151:22,  
 1198:18, 1323:10, 1323:11  
**lost** [3] - 1275:16, 1286:20, 1286:21  
**loud** [2] - 1201:15, 1316:2  
**love** [9] - 1110:6, 1110:7, 1132:8,  
 1242:18, 1251:6, 1251:10, 1251:14,  
 1251:18, 1251:22  
**low** [1] - 1080:12  
**lower** [2] - 1184:25, 1185:5  
**lowest** [2] - 1079:13, 1079:18  
**loyalty** [1] - 1212:20  
**LU** [2] - 1079:10, 1079:17  
**Lucchese** [1] - 1058:22  
**Luggy** [1] - 1192:20  
**lunch** [4] - 1188:7, 1188:18, 1188:24,  
 1189:25  
**lying** [4] - 1179:20, 1281:22, 1282:22,  
 1285:15

## M

**M-I-G-Z** [2] - 1104:5, 1104:6  
**M-U-L-L-I-N-S** [1] - 1307:9  
**M.G.G** [2] - 1095:7, 1095:8  
**M010** [1] - 1154:22  
**ma'am** [81] - 1066:20, 1070:19, 1073:4,  
 1075:21, 1080:7, 1080:17, 1082:2,  
 1082:15, 1085:20, 1086:1, 1086:6,  
 1086:20, 1087:24, 1088:3, 1089:13,  
 1092:10, 1094:23, 1094:25, 1095:2,  
 1095:5, 1095:12, 1095:14, 1095:20,  
 1095:25, 1096:13, 1096:15, 1096:17,  
 1096:23, 1097:3, 1097:13, 1098:6,  
 1098:8, 1098:15, 1099:1, 1100:23,  
 1101:1, 1102:4, 1102:20, 1104:1,  
 1105:19, 1112:8, 1112:13, 1113:4,  
 1129:24, 1144:14, 1145:16, 1146:19,  
 1147:7, 1147:9, 1153:16, 1153:18,  
 1153:23, 1154:18, 1164:4, 1166:15,  
 1175:10, 1175:14, 1176:1, 1176:8,  
 1176:11, 1176:14, 1176:18, 1176:21,  
 1176:24, 1177:2, 1177:7, 1180:11,  
 1180:18, 1180:25, 1181:3, 1181:14,  
 1181:22, 1181:25, 1182:3, 1182:10,  
 1182:12, 1182:14, 1182:17, 1182:20,  
 1183:11, 1306:6  
**machines** [1] - 1320:5  
**mad** [2] - 1133:15, 1202:19  
**mail** [1] - 1058:24  
**main** [1] - 1292:25  
**males** [1] - 1310:15  
**man** [10] - 1135:9, 1148:6, 1152:9,  
 1198:12, 1198:13, 1237:23, 1240:15,  
 1270:8, 1270:25, 1285:5

**manager** [3] - 1200:9, 1200:11, 1231:15  
**managing** [1] - 1206:3  
**mandated** [1] - 1204:6  
**mandatory** [15] - 1139:7, 1172:19,  
 1173:20, 1173:21, 1174:2, 1182:24,  
 1183:10, 1183:14, 1183:21, 1184:12,  
 1184:16, 1238:21, 1240:6, 1240:8,  
 1287:10  
**mandatory...got** [1] - 1171:22  
**Manhattan** [1] - 1329:2  
**manner** [1] - 1135:11  
**March** [1] - 1257:5  
**Maria** [1] - 1195:25  
**marijuana** [8] - 1150:10, 1162:20,  
 1163:1, 1163:3, 1220:17, 1220:19,  
 1241:4, 1256:5  
**mark** [5] - 1312:12, 1322:25, 1323:4,  
 1323:10, 1324:3  
**marked** [11] - 1085:11, 1089:10,  
 1090:17, 1092:6, 1144:10, 1145:2,  
 1146:7, 1171:17, 1180:16, 1296:1,  
 1330:20  
**markings** [2] - 1312:14, 1313:23  
**Marquel** [2] - 1089:17, 1089:19  
**MARSHAL** [1] - 1190:17  
**Marshals** [3] - 1270:24, 1271:4, 1272:3  
**marshals** [3] - 1190:12, 1272:2, 1334:6  
**Martins** [1] - 1070:1  
**Maserati** [5] - 1068:19, 1069:5, 1069:6,  
 1070:25, 1087:13  
**Maseratis** [1] - 1069:20  
**mask** [4] - 1129:16, 1198:7, 1289:16,  
 1308:5  
**master's** [1] - 1292:2  
**material** [1] - 1128:19  
**math** [2] - 1195:3, 1257:2  
**MATSUMOTO** [1] - 1058:12  
**matter** [7] - 1129:4, 1133:13, 1185:7,  
 1185:9, 1185:10, 1261:17, 1335:23  
**MATTHEW** [1] - 1058:17  
**mature** [1] - 1111:3  
**Maxes** [1] - 1094:6  
**maximum** [5] - 1182:22, 1183:5,  
 1184:20, 1186:1, 1186:2  
**Mazzi** [7] - 1069:4, 1069:10, 1069:16,  
 1071:2, 1098:10, 1142:4, 1143:8  
**Mazzis** [3] - 1069:3, 1069:6, 1069:19  
**MDC** [2] - 1275:15, 1284:20  
**mean** [83] - 1069:2, 1069:4, 1074:16,  
 1074:18, 1076:17, 1077:5, 1077:20,  
 1078:7, 1078:13, 1078:15, 1080:5,  
 1081:13, 1083:13, 1093:4, 1094:17,  
 1098:5, 1101:22, 1104:15, 1108:20,  
 1108:25, 1109:22, 1113:21, 1114:7,  
 1116:23, 1117:8, 1117:22, 1120:25,  
 1125:21, 1126:21, 1132:4, 1133:10,  
 1133:21, 1134:6, 1134:13, 1139:9,  
 1139:25, 1141:24, 1148:11, 1148:25,  
 1149:6, 1150:2, 1156:8, 1156:16,  
 1156:25, 1157:3, 1162:2, 1162:17,

1164:9, 1175:5, 1183:25, 1185:10,  
 1187:17, 1187:24, 1191:24, 1193:19,  
 1196:13, 1199:8, 1203:14, 1206:24,  
 1208:13, 1210:6, 1212:18, 1212:19,  
 1213:20, 1215:13, 1216:22, 1217:8,  
 1218:12, 1227:10, 1240:2, 1240:3,  
 1250:25, 1253:1, 1258:12, 1271:4,  
 1272:11, 1274:22, 1275:2, 1286:3,  
 1297:2, 1312:11, 1312:13  
**meaning** [2] - 1278:6, 1324:2  
**means** [6] - 1063:25, 1064:9, 1085:7,  
 1121:5, 1154:5, 1272:13  
**meant** [1] - 1139:10  
**Mecca** [1] - 1120:3  
**media** [4] - 1103:22, 1121:2, 1121:5,  
 1134:16  
**medical** [1] - 1319:21  
**medication** [2] - 1320:7, 1320:10  
**medicine** [5] - 1193:8, 1203:15,  
 1205:21, 1206:5, 1206:7  
**meet** [4] - 1073:8, 1073:11, 1176:12  
**meeting** [69] - 1073:12, 1073:13,  
 1073:15, 1073:16, 1073:18, 1073:25,  
 1074:6, 1076:7, 1076:15, 1076:18,  
 1076:23, 1077:8, 1078:23, 1078:25,  
 1092:13, 1093:2, 1094:14, 1094:18,  
 1094:21, 1094:24, 1095:1, 1095:4,  
 1095:11, 1096:22, 1096:24, 1096:25,  
 1097:10, 1099:2, 1099:5, 1099:13,  
 1099:20, 1100:7, 1100:21, 1101:11,  
 1102:15, 1103:25, 1110:3, 1123:25,  
 1153:17, 1168:19, 1168:23, 1168:25,  
 1169:1, 1170:12, 1170:18, 1170:23,  
 1172:21, 1172:22, 1172:23, 1173:3,  
 1173:5, 1173:11, 1173:23, 1173:24,  
 1174:5, 1174:6, 1174:7, 1174:9,  
 1174:19, 1174:21, 1174:22, 1174:23,  
 1174:25, 1179:14, 1314:24  
**meetings** [4] - 1168:15, 1170:2,  
 1172:13, 1173:8  
**MEID** [2] - 1145:24, 1145:25  
**member** [13] - 1080:22, 1088:21,  
 1088:23, 1093:24, 1114:8, 1194:22,  
 1194:25, 1195:13, 1197:5, 1197:7,  
 1300:18, 1308:18, 1309:7  
**members** [31] - 1063:20, 1063:23,  
 1064:6, 1070:6, 1072:14, 1074:4,  
 1077:8, 1092:13, 1093:2, 1094:24,  
 1095:3, 1096:1, 1098:19, 1112:17,  
 1113:3, 1114:9, 1114:17, 1117:4,  
 1158:9, 1166:23, 1167:25, 1168:11,  
 1168:12, 1170:4, 1195:12, 1195:15,  
 1195:18, 1197:18, 1208:17, 1223:25,  
 1332:11  
**Members** [1] - 1267:5  
**memo** [1] - 1319:21  
**memorable** [1] - 1112:14  
**memorize** [3] - 1106:20, 1106:24,  
 1107:21  
**meniscus** [2] - 1166:18, 1166:19

**mental** [3] - 1193:6, 1203:10, 1204:22  
**mention** [4] - 1062:23, 1063:6, 1063:7,  
 1323:25  
**mentioned** [21] - 1067:6, 1068:1,  
 1077:23, 1121:11, 1129:22, 1130:4,  
 1147:5, 1153:14, 1162:11, 1162:12,  
 1162:16, 1169:23, 1251:16, 1251:17,  
 1251:19, 1251:20, 1317:19, 1321:8,  
 1321:11, 1321:12, 1325:7  
**mentioning** [1] - 1062:16  
**meshed** [3] - 1081:18, 1111:13, 1199:21  
**message** [22] - 1059:9, 1059:17,  
 1099:10, 1106:11, 1106:13, 1106:14,  
 1135:21, 1136:6, 1137:1, 1139:14,  
 1139:16, 1238:8, 1244:3, 1244:17,  
 1251:9, 1251:11, 1252:16, 1252:17,  
 1252:18, 1253:12, 1255:16, 1255:20  
**messages** [7] - 1137:6, 1146:18,  
 1156:23, 1251:5, 1255:17, 1256:13,  
 1274:2  
**messaging** [1] - 1255:14  
**messed** [1] - 1248:8  
**met** [15] - 1073:13, 1077:5, 1077:23,  
 1078:2, 1079:5, 1079:6, 1081:2,  
 1083:7, 1181:24, 1208:9, 1254:16,  
 1254:18, 1304:8, 1311:15, 1316:25  
**meter** [1] - 1232:19  
**methods** [1] - 1292:23  
**Metro** [2] - 1202:13, 1203:1  
**Mexican** [7] - 1165:3, 1167:14, 1228:2,  
 1228:4, 1228:12, 1228:14, 1228:25  
**Mexicans** [1] - 1225:4  
**Mh** [15] - 1141:20, 1235:10, 1237:11,  
 1238:7, 1239:5, 1240:1, 1240:14,  
 1240:18, 1241:5, 1243:21, 1244:6,  
 1244:20, 1254:9, 1257:4, 1257:9  
**Mh-hmm** [15] - 1141:20, 1235:10,  
 1237:11, 1238:7, 1239:5, 1240:1,  
 1240:14, 1240:18, 1241:5, 1243:21,  
 1244:6, 1244:20, 1254:9, 1257:4,  
 1257:9  
**mic** [2] - 1209:25, 1289:20  
**Michele** [1] - 1058:22  
**microphone** [1] - 1066:11  
**mid** [2] - 1121:20, 1198:2  
**mid-morning** [1] - 1121:20  
**middle** [2] - 1074:7, 1152:10  
**midst** [4] - 1099:23, 1120:3, 1120:9,  
 1281:3  
**midsts** [1] - 1074:2  
**Midtown** [2] - 1328:25, 1329:16  
**might** [4] - 1059:15, 1062:15, 1117:21,  
 1169:7  
**Migos** [9] - 1074:25, 1075:4, 1075:7,  
 1075:12, 1115:2, 1115:19, 1211:22,  
 1213:20  
**MIGS** [1] - 1104:4  
**Migz** [4] - 1104:3, 1104:4, 1104:8,  
 1105:1  
**MIGZ** [1] - 1104:7

**Milla** [8] - 1068:19, 1069:14, 1076:10,  
 1097:2, 1100:7, 1103:7, 1143:9,  
 1300:20  
**Millas** [10] - 1068:10, 1068:18, 1068:24,  
 1069:3, 1069:6, 1069:11, 1077:10,  
 1077:12, 1134:21  
**Mind** [1] - 1151:16  
**mind** [4] - 1061:19, 1186:14, 1271:15,  
 1280:16  
**minded** [1] - 1111:2  
**mine** [7] - 1090:15, 1101:13, 1101:17,  
 1101:20, 1153:10, 1251:15, 1305:1  
**minimum** [8] - 1182:24, 1183:10,  
 1183:14, 1183:21, 1184:12, 1184:16,  
 1186:3, 1287:10  
**minutes** [3] - 1109:18, 1122:3, 1332:1  
**miss** [2] - 1251:1, 1251:6  
**missing** [1] - 1068:4  
**mistaken** [4] - 1093:25, 1149:12,  
 1177:13, 1178:4  
**mistress** [1] - 1194:11  
**MLuccheseEDNY@gmail.com** [1] -  
 1058:24  
**mm-hm** [6] - 1119:6, 1220:22, 1225:6,  
 1225:14, 1231:8, 1232:12  
**mom** [10] - 1223:6, 1223:20, 1224:1,  
 1224:8, 1224:9, 1224:11, 1226:14,  
 1230:20, 1310:14, 1310:17  
**mom's** [2] - 1226:13, 1232:18  
**moment** [13] - 1059:25, 1080:23,  
 1161:16, 1172:8, 1186:23, 1288:19,  
 1303:18, 1303:21, 1325:19, 1326:15,  
 1331:14, 1332:5, 1332:8  
**mons** [1] - 1223:5  
**Monday** [10] - 1060:13, 1060:25,  
 1126:21, 1332:2, 1332:10, 1332:14,  
 1333:3, 1333:4, 1334:3, 1335:23  
**money** [84] - 1112:1, 1151:12, 1152:14,  
 1152:16, 1152:17, 1158:7, 1159:5,  
 1159:8, 1159:11, 1159:16, 1159:18,  
 1159:22, 1164:19, 1165:2, 1167:12,  
 1168:3, 1168:5, 1168:16, 1169:4,  
 1169:11, 1169:15, 1169:17, 1169:20,  
 1170:3, 1170:12, 1170:15, 1171:1,  
 1171:3, 1171:5, 1171:7, 1171:8,  
 1171:10, 1171:13, 1179:17, 1211:2,  
 1211:5, 1215:20, 1220:6, 1221:4,  
 1221:8, 1221:12, 1221:16, 1222:1,  
 1222:10, 1222:14, 1223:3, 1223:22,  
 1225:2, 1225:19, 1226:1, 1227:4,  
 1230:8, 1230:13, 1230:17, 1231:7,  
 1231:25, 1232:3, 1232:17, 1241:9,  
 1241:10, 1241:21, 1241:22, 1242:8,  
 1242:16, 1242:17, 1242:21, 1243:16,  
 1243:18, 1243:20, 1243:22, 1243:24,  
 1262:17, 1279:2, 1279:4, 1279:7,  
 1279:11, 1279:22, 1280:8, 1280:17,  
 1282:20, 1283:6, 1283:20, 1284:10  
**MONTES** [1] - 1058:21  
**month** [4] - 1204:4, 1204:8, 1251:24,

<p>1251:25  <b>months</b> <sup>[10]</sup> - 1081:8, 1231:12, 1231:23, 1232:3, 1257:3, 1257:7, 1267:21, 1282:24, 1292:15  <b>moon</b> <sup>[4]</sup> - 1160:13, 1160:16, 1160:17, 1160:23  <b>morning</b> <sup>[13]</sup> - 1063:23, 1065:2, 1066:6, 1066:7, 1066:23, 1121:20, 1175:18, 1175:19, 1175:21, 1206:14, 1211:11, 1334:1  <b>most</b> <sup>[10]</sup> - 1103:20, 1107:22, 1112:14, 1117:13, 1121:8, 1131:17, 1210:18, 1223:2, 1223:4, 1264:19  <b>mostly</b> <sup>[2]</sup> - 1069:21, 1170:20  <b>mother</b> <sup>[18]</sup> - 1059:17, 1059:18, 1061:18, 1061:22, 1192:1, 1192:3, 1194:2, 1194:13, 1196:23, 1227:2, 1230:16, 1230:19, 1242:18, 1275:21, 1284:23, 1286:22, 1288:8  <b>mother's</b> <sup>[2]</sup> - 1059:8, 1060:19  <b>motion</b> <sup>[3]</sup> - 1183:20, 1184:4, 1184:5  <b>mouth</b> <sup>[3]</sup> - 1126:9, 1198:9  <b>move</b> <sup>[15]</sup> - 1062:6, 1081:21, 1089:22, 1090:21, 1091:4, 1111:1, 1113:20, 1113:21, 1125:9, 1201:19, 1283:11, 1288:17, 1325:21  <b>moved</b> <sup>[2]</sup> - 1091:10, 1194:1  <b>moves</b> <sup>[4]</sup> - 1144:18, 1147:14, 1296:15, 1303:9  <b>movie</b> <sup>[1]</sup> - 1167:23  <b>Moving</b> <sup>[1]</sup> - 1148:19  <b>MR</b> <sup>[195]</sup> - 1060:23, 1061:4, 1061:7, 1061:12, 1061:23, 1062:1, 1062:3, 1062:12, 1062:14, 1063:8, 1085:18, 1090:25, 1091:22, 1093:10, 1122:4, 1122:15, 1122:20, 1122:24, 1123:3, 1123:4, 1123:13, 1123:15, 1124:22, 1125:1, 1125:3, 1126:4, 1128:2, 1137:20, 1144:19, 1145:19, 1146:22, 1147:16, 1159:12, 1172:8, 1181:6, 1188:17, 1188:20, 1188:21, 1189:2, 1189:19, 1189:21, 1189:23, 1191:8, 1191:10, 1216:10, 1216:12, 1216:13, 1223:18, 1224:15, 1233:8, 1234:5, 1234:24, 1235:3, 1235:6, 1236:25, 1237:17, 1237:19, 1237:20, 1238:17, 1241:19, 1246:5, 1250:4, 1258:21, 1258:23, 1259:8, 1259:17, 1259:21, 1260:7, 1260:11, 1260:13, 1260:24, 1261:4, 1261:11, 1261:14, 1261:16, 1261:19, 1262:1, 1262:7, 1262:9, 1262:12, 1262:17, 1262:19, 1263:8, 1263:13, 1263:15, 1263:25, 1264:3, 1264:10, 1264:14, 1264:19, 1265:2, 1265:10, 1265:16, 1265:19, 1265:23, 1266:6, 1266:10, 1266:13, 1266:16, 1267:10, 1267:11, 1268:2, 1276:12, 1283:9, 1288:19, 1288:22, 1289:5, 1289:8, 1290:5, 1295:22, 1295:25, 1296:15, 1296:18, 1298:8, 1299:3,</p>	<p>1299:5, 1299:7, 1299:10, 1299:15, 1299:19, 1300:21, 1301:11, 1302:15, 1302:18, 1302:22, 1303:9, 1303:16, 1303:21, 1303:24, 1305:7, 1305:8, 1306:1, 1306:4, 1306:14, 1306:21, 1308:4, 1310:2, 1310:20, 1311:6, 1311:8, 1311:11, 1311:21, 1312:21, 1313:2, 1314:4, 1315:8, 1315:11, 1315:14, 1315:16, 1316:4, 1317:21, 1317:22, 1317:24, 1318:1, 1318:4, 1318:22, 1318:24, 1319:2, 1319:6, 1322:10, 1322:11, 1324:2, 1325:19, 1325:23, 1326:15, 1326:20, 1326:22, 1327:1, 1327:9, 1327:11, 1331:14, 1331:16, 1332:19, 1333:1, 1333:6, 1333:14, 1333:18, 1333:21, 1333:24, 1334:7, 1334:13, 1334:18, 1334:23, 1335:1, 1335:10, 1335:11, 1335:19, 1335:21, 1336:6, 1336:8, 1336:9, 1336:11, 1336:12, 1336:13, 1336:14  <b>MS</b> <sup>[121]</sup> - 1059:25, 1060:5, 1060:7, 1061:9, 1064:24, 1065:6, 1066:5, 1066:12, 1066:15, 1067:10, 1071:5, 1071:8, 1072:13, 1072:21, 1081:24, 1082:11, 1082:20, 1082:23, 1085:13, 1085:15, 1085:22, 1086:14, 1087:21, 1089:9, 1089:22, 1090:16, 1090:20, 1090:22, 1091:4, 1091:7, 1091:12, 1091:20, 1092:5, 1093:8, 1093:16, 1095:9, 1098:2, 1104:9, 1105:10, 1105:16, 1121:18, 1123:19, 1126:13, 1126:19, 1127:21, 1128:9, 1128:15, 1129:10, 1129:19, 1129:21, 1135:13, 1135:16, 1135:23, 1136:13, 1136:17, 1136:19, 1137:18, 1139:13, 1140:5, 1140:18, 1144:17, 1145:4, 1145:17, 1146:9, 1146:20, 1146:25, 1147:14, 1147:20, 1148:13, 1148:19, 1149:20, 1155:15, 1156:2, 1160:25, 1168:10, 1171:19, 1172:5, 1172:12, 1172:16, 1172:25, 1173:15, 1174:17, 1175:7, 1180:15, 1181:4, 1185:12, 1186:10, 1186:23, 1188:6, 1190:5, 1190:8, 1190:20, 1191:1, 1223:17, 1224:13, 1226:20, 1235:5, 1258:3, 1258:12, 1258:22, 1259:7, 1259:10, 1259:13, 1261:18, 1262:13, 1266:19, 1266:24, 1283:8, 1287:3, 1288:25, 1327:15, 1328:6, 1330:20, 1331:1, 1331:12, 1331:22, 1332:1, 1332:5, 1332:10, 1336:5, 1336:16  <b>MTG</b> <sup>[1]</sup> - 1103:5  <b>muddle</b> <sup>[1]</sup> - 1152:16  <b>Mullins</b> <sup>[8]</sup> - 1306:2, 1306:22, 1307:8, 1308:5, 1311:12, 1318:1, 1319:7, 1325:25  <b>MULLINS</b> <sup>[2]</sup> - 1308:1, 1336:10  <b>multiple</b> <sup>[1]</sup> - 1128:24  <b>murder</b> <sup>[8]</sup> - 1176:3, 1176:4, 1176:5, 1176:6, 1181:12, 1248:24, 1252:8,</p>	<p>1273:24  <b>mushroom</b> <sup>[1]</sup> - 1120:21  <b>music</b> <sup>[1]</sup> - 1210:10</p> <p style="text-align: center;"><b>N</b></p> <p><b>nah</b> <sup>[8]</sup> - 1119:4, 1157:14, 1158:17, 1200:16, 1224:1, 1241:6, 1241:12, 1275:24  <b>Nah</b> <sup>[1]</sup> - 1157:11  <b>name</b> <sup>[37]</sup> - 1076:12, 1079:4, 1082:18, 1088:18, 1089:16, 1089:20, 1093:25, 1096:4, 1102:25, 1103:8, 1103:9, 1103:11, 1107:12, 1107:15, 1111:17, 1117:2, 1120:3, 1140:9, 1140:22, 1155:6, 1165:4, 1175:15, 1192:19, 1239:21, 1252:2, 1289:13, 1300:3, 1301:22, 1307:7, 1307:8, 1309:19, 1314:20, 1316:17, 1321:11, 1321:12, 1327:25  <b>named</b> <sup>[20]</sup> - 1073:14, 1075:9, 1106:8, 1107:12, 1107:14, 1107:15, 1108:5, 1108:20, 1108:21, 1112:16, 1118:3, 1131:4, 1153:13, 1153:25, 1171:6, 1206:19, 1207:3, 1208:10, 1211:23, 1216:6  <b>names</b> <sup>[6]</sup> - 1070:8, 1080:20, 1088:18, 1163:1, 1163:3, 1175:11  <b>nasty</b> <sup>[1]</sup> - 1216:24  <b>Nate</b> <sup>[2]</sup> - 1171:6, 1171:10  <b>Nation</b> <sup>[7]</sup> - 1067:4, 1068:3, 1070:2, 1073:20, 1078:20, 1094:15, 1142:2  <b>nation</b> <sup>[4]</sup> - 1068:13, 1169:12, 1217:23, 1217:24  <b>Nations</b> <sup>[2]</sup> - 1066:25, 1068:2  <b>nations</b> <sup>[1]</sup> - 1068:7  <b>natural</b> <sup>[2]</sup> - 1201:23, 1202:2  <b>nature</b> <sup>[4]</sup> - 1177:18, 1179:1, 1179:2, 1210:22  <b>near</b> <sup>[2]</sup> - 1195:25, 1315:2  <b>necessarily</b> <sup>[7]</sup> - 1088:24, 1119:25, 1121:7, 1124:24, 1170:8, 1173:2, 1325:5  <b>necessary</b> <sup>[8]</sup> - 1117:1, 1117:3, 1229:16, 1229:18, 1232:6, 1240:10, 1285:3  <b>necessities</b> <sup>[1]</sup> - 1167:24  <b>neck</b> <sup>[1]</sup> - 1269:25  <b>need</b> <sup>[31]</sup> - 1060:17, 1063:24, 1066:10, 1112:20, 1114:19, 1117:2, 1139:2, 1170:13, 1203:17, 1206:5, 1227:22, 1229:1, 1229:19, 1229:20, 1231:20, 1238:19, 1238:20, 1242:6, 1242:21, 1250:17, 1263:20, 1265:17, 1275:21, 1276:10, 1284:19, 1284:22, 1306:13, 1315:20, 1318:18, 1332:17  <b>needed</b> <sup>[9]</sup> - 1059:21, 1151:12, 1158:7, 1230:16, 1243:16, 1243:19, 1243:20, 1259:13, 1269:11  <b>needles</b> <sup>[1]</sup> - 1230:9</p>
---	---	--



**needs** [1] - 1190:10  
**Needs** [1] - 1308:14  
**neglect** [1] - 1308:14  
**neighborhood** [2] - 1158:4, 1316:17  
**neighborhoods** [1] - 1071:23  
**nervous** [1] - 1269:18  
**never** [29] - 1079:6, 1118:24, 1149:14, 1149:15, 1151:8, 1160:9, 1196:15, 1204:10, 1213:9, 1213:11, 1222:3, 1242:2, 1243:24, 1246:19, 1246:20, 1247:4, 1247:13, 1248:2, 1248:3, 1250:7, 1256:3, 1256:5, 1257:14, 1270:6, 1274:9, 1274:10, 1274:11  
**NEW** [1] - 1058:1  
**new** [6] - 1296:25, 1297:3, 1297:13, 1297:16, 1329:22  
**New** [27] - 1058:6, 1058:15, 1058:16, 1058:20, 1066:25, 1067:3, 1067:4, 1067:6, 1068:2, 1069:24, 1072:5, 1105:23, 1165:6, 1172:21, 1174:4, 1187:13, 1192:15, 1194:20, 1227:24, 1227:25, 1228:7, 1253:19, 1290:7, 1293:20, 1308:12, 1308:18  
**next** [29] - 1061:18, 1063:2, 1064:9, 1064:14, 1064:15, 1064:19, 1065:7, 1067:19, 1097:16, 1127:24, 1139:4, 1148:23, 1189:25, 1233:10, 1236:17, 1238:17, 1238:25, 1289:21, 1291:19, 1295:3, 1305:13, 1306:20, 1307:12, 1314:1, 1316:8, 1319:3, 1319:10, 1325:3  
**NGAI** [121] - 1058:17, 1059:25, 1060:5, 1060:7, 1061:9, 1064:24, 1065:6, 1066:5, 1066:12, 1066:15, 1067:10, 1071:5, 1071:8, 1072:13, 1072:21, 1081:24, 1082:11, 1082:20, 1082:23, 1085:13, 1085:15, 1085:22, 1086:14, 1087:21, 1089:9, 1089:22, 1090:16, 1090:20, 1090:22, 1091:4, 1091:7, 1091:12, 1091:20, 1092:5, 1093:8, 1093:16, 1095:9, 1098:2, 1104:9, 1105:10, 1105:16, 1121:18, 1123:19, 1126:13, 1126:19, 1127:21, 1128:9, 1128:15, 1129:10, 1129:19, 1129:21, 1135:13, 1135:16, 1135:23, 1136:13, 1136:17, 1136:19, 1137:18, 1139:13, 1140:5, 1140:18, 1144:17, 1145:4, 1145:17, 1146:9, 1146:20, 1146:25, 1147:14, 1147:20, 1148:13, 1148:19, 1149:20, 1155:15, 1156:2, 1160:25, 1168:10, 1171:19, 1172:5, 1172:12, 1172:16, 1172:25, 1173:15, 1174:17, 1175:7, 1180:15, 1181:4, 1185:12, 1186:10, 1186:23, 1188:6, 1190:5, 1190:8, 1190:20, 1191:1, 1223:17, 1224:13, 1226:20, 1258:3, 1258:12, 1258:22, 1259:7, 1259:10, 1259:13, 1261:18, 1262:13, 1266:19, 1266:24, 1283:8, 1287:3, 1288:25, 1327:15, 1328:6, 1330:20, 1331:1, 1331:12,

1331:22, 1332:1, 1332:5, 1332:10, 1336:5, 1336:16  
**Ngai** [1] - 1125:11  
**nice** [3] - 1112:1, 1115:20, 1331:20  
**nigga** [3] - 1113:18, 1133:13, 1155:3  
**niggas** [2] - 1174:3  
**night** [9] - 1103:15, 1107:3, 1147:6, 1147:23, 1152:18, 1153:2, 1153:4, 1209:23, 1310:14  
**nightclub** [1] - 1196:12  
**nightmare** [3] - 1269:23, 1275:17, 1275:19  
**Nike** [1] - 1215:3  
**nine** [19] - 1097:8, 1099:12, 1099:15, 1170:16, 1170:21, 1172:13, 1172:19, 1172:24, 1173:5, 1173:20, 1173:21, 1173:22, 1173:23, 1174:2, 1257:7, 1267:21, 1290:11, 1319:10  
**nine-eleven** [10] - 1099:12, 1099:15, 1172:19, 1173:5, 1173:20, 1173:21, 1173:22, 1173:23, 1174:2  
**nine-elevens** [1] - 1172:13  
**No-Fault** [1] - 1228:7  
**nobody** [8] - 1061:16, 1131:15, 1132:5, 1134:9, 1168:12, 1198:12, 1218:7, 1236:23  
**normally** [2] - 1085:1, 1111:2  
**North** [2] - 1328:25, 1329:16  
**north** [2] - 1169:19, 1243:9  
**nose** [1] - 1126:9  
**notations** [1] - 1313:23  
**note** [3] - 1173:16, 1174:18, 1299:15  
**notebooks** [3] - 1121:22, 1188:11, 1306:8  
**Notebooks** [1] - 1258:5  
**noted** [1] - 1124:25  
**notes** [26] - 1172:3, 1172:4, 1172:12, 1172:15, 1172:17, 1172:19, 1173:6, 1173:7, 1173:9, 1173:14, 1297:24, 1299:1, 1314:24, 1315:6, 1319:15, 1323:20, 1323:21, 1323:22, 1323:24, 1323:25, 1324:5, 1324:8, 1324:16, 1325:3, 1326:8  
**nothing** [14] - 1062:3, 1101:14, 1162:9, 1205:10, 1214:23, 1215:12, 1215:14, 1232:16, 1272:21, 1274:25, 1285:24, 1287:22, 1305:8, 1321:23  
**notice** [1] - 1235:11  
**noticed** [4] - 1110:20, 1116:25, 1240:6, 1286:16  
**notification** [1] - 1173:8  
**noting** [1] - 1124:22  
**November** [2] - 1236:7, 1257:2  
**nowadays** [1] - 1200:17  
**nowhere** [4] - 1100:10, 1114:25, 1142:24, 1271:5  
**number** [34] - 1060:2, 1060:20, 1063:15, 1063:16, 1068:21, 1124:5, 1126:12, 1126:20, 1128:24, 1130:22, 1136:7, 1136:11, 1136:16, 1140:9, 1145:10,

1145:22, 1145:24, 1146:1, 1243:3, 1281:7, 1294:11, 1294:12, 1295:5, 1300:2, 1301:20, 1314:2, 1322:9, 1330:9, 1330:11, 1330:24, 1331:2  
**numbers** [6] - 1130:21, 1167:20, 1167:21, 1167:22, 1198:4, 1243:3  
**numerous** [2] - 1118:1, 1291:13  
**NY** [1] - 1058:20  
**NYB** [27] - 1067:3, 1067:6, 1068:14, 1068:15, 1068:20, 1069:10, 1069:11, 1069:14, 1077:9, 1077:13, 1077:16, 1078:12, 1078:20, 1078:21, 1079:3, 1094:15, 1094:21, 1100:12, 1100:14, 1100:22, 1100:23, 1100:25, 1102:13, 1131:11, 1131:18, 1131:19  
**NYBBA** [3] - 1067:4, 1068:6, 1069:24  
**NYPD** [8] - 1253:11, 1254:18, 1308:20, 1319:9, 1328:13, 1328:14, 1330:9, 1330:19

## O

**o'clock** [1] - 1188:11  
**Oasis** [1] - 1242:15  
**oath** [19] - 1065:2, 1119:25, 1172:2, 1177:5, 1177:8, 1178:1, 1178:7, 1178:8, 1179:6, 1179:21, 1182:6, 1182:19, 1277:12, 1278:8, 1279:19, 1280:1, 1280:24, 1282:9, 1284:8  
**OBCC** [1] - 1290:15  
**object** [5] - 1122:25, 1123:10, 1126:1, 1127:20, 1129:1  
**objected** [1] - 1124:25  
**objecting** [1] - 1127:9  
**objection** [37] - 1090:25, 1091:22, 1093:10, 1124:12, 1124:20, 1125:8, 1125:19, 1126:4, 1126:7, 1129:4, 1137:20, 1144:19, 1145:19, 1146:22, 1147:16, 1159:12, 1172:7, 1172:9, 1173:14, 1181:6, 1223:17, 1223:18, 1224:13, 1226:20, 1259:24, 1287:3, 1296:18, 1299:5, 1299:14, 1302:18, 1303:11, 1310:2, 1311:21, 1317:21, 1318:22, 1326:20, 1326:22  
**objections** [1] - 1090:24  
**obligation** [2] - 1063:7, 1064:12  
**observed** [4] - 1312:19, 1319:18, 1322:17, 1323:17  
**observing** [1] - 1323:19  
**Obviously** [1] - 1240:9  
**obviously** [5] - 1060:14, 1154:4, 1178:12, 1240:6, 1313:11  
**occupied** [2] - 1062:7, 1064:1  
**occupy** [1] - 1064:1  
**occur** [2] - 1097:4, 1291:24  
**occurred** [3] - 1124:1, 1147:6, 1320:14  
**occurring** [1] - 1219:9  
**occurs** [1] - 1201:20  
**ocean** [1] - 1191:25  
**October** [15] - 1248:20, 1248:21,

1248:22, 1249:10, 1256:19, 1256:24,  
1257:1, 1257:2, 1267:19, 1270:16,  
1270:17, 1270:20, 1270:21, 1270:22  
**OF** [3] - 1058:1, 1058:3, 1058:11  
**offer** [2] - 1091:21, 1299:9  
**offered** [6] - 1102:19, 1159:1, 1189:7,  
1189:8, 1243:18, 1261:17  
**offering** [1] - 1261:16  
**offers** [10] - 1090:22, 1093:9, 1137:19,  
1145:17, 1146:21, 1172:6, 1181:4,  
1299:3, 1302:15, 1311:6  
**offhand** [1] - 1330:12  
**office** [2] - 1277:16, 1281:5  
**officer** [14] - 1128:5, 1128:6, 1128:7,  
1128:22, 1128:23, 1290:13, 1290:14,  
1290:20, 1290:22, 1290:23, 1290:25,  
1291:22, 1308:21  
**officers** [2] - 1126:10, 1263:3  
**Official** [1] - 1058:23  
**official** [2] - 1080:5, 1175:16  
**officially** [5] - 1080:4, 1120:5, 1194:25,  
1195:13, 1270:8  
**often** [1] - 1097:4  
**OG** [1] - 1163:6  
**oil** [1] - 1160:17  
**old** [8] - 1115:5, 1117:12, 1195:1,  
1197:2, 1197:10, 1197:11, 1207:24,  
1275:11  
**older** [5] - 1111:2, 1111:23, 1116:8,  
1250:10, 1250:11  
**once** [12] - 1074:12, 1097:5, 1107:17,  
1154:8, 1272:13, 1287:22, 1293:19,  
1295:4, 1295:5, 1298:14  
**one** [119] - 1062:12, 1062:19, 1062:22,  
1063:21, 1067:3, 1068:4, 1068:5,  
1068:18, 1069:25, 1070:25, 1074:3,  
1081:14, 1084:5, 1084:15, 1086:16,  
1087:14, 1088:7, 1088:9, 1089:1,  
1089:7, 1089:25, 1090:4, 1091:10,  
1091:12, 1093:21, 1093:24, 1094:8,  
1096:6, 1096:19, 1098:20, 1098:24,  
1099:3, 1100:5, 1100:6, 1101:8,  
1104:16, 1115:2, 1115:6, 1115:7,  
1118:13, 1120:12, 1126:16, 1129:17,  
1131:2, 1131:19, 1131:20, 1137:2,  
1138:8, 1142:23, 1146:2, 1148:23,  
1150:6, 1151:15, 1153:15, 1156:19,  
1158:19, 1160:25, 1161:4, 1164:17,  
1164:18, 1164:24, 1165:19, 1166:5,  
1166:21, 1166:22, 1169:1, 1170:17,  
1170:18, 1170:24, 1172:8, 1186:25,  
1188:15, 1198:12, 1198:21, 1200:1,  
1202:12, 1203:4, 1205:15, 1206:16,  
1208:13, 1208:15, 1208:18, 1209:9,  
1210:15, 1218:24, 1225:10, 1233:6,  
1235:1, 1241:3, 1243:9, 1249:22,  
1250:15, 1250:16, 1251:16, 1273:16,  
1274:17, 1281:3, 1281:25, 1282:1,  
1282:3, 1295:2, 1298:5, 1304:17,  
1304:19, 1307:2, 1314:9, 1319:16,

1322:7, 1326:14, 1326:15, 1328:24,  
1329:20, 1331:22, 1332:5, 1332:7  
**ones** [3] - 1080:4, 1249:23, 1303:7  
**ongoing** [1] - 1064:4  
**online** [1] - 1103:25  
**open** [5] - 1059:1, 1151:6, 1156:12,  
1190:2, 1245:7  
**opening** [1] - 1130:18  
**opens** [2] - 1113:23, 1113:24  
**operating** [3] - 1066:25, 1230:2,  
1308:16  
**operation** [1] - 1308:16  
**opiates** [1] - 1157:25  
**opponent** [1] - 1299:10  
**opportunity** [1] - 1334:10  
**option** [1] - 1060:13  
**options** [1] - 1060:16  
**orally** [1] - 1300:15  
**orange** [1] - 1098:3  
**order** [2] - 1085:8, 1085:9  
**ordered** [1] - 1205:22  
**orders** [3] - 1103:17, 1103:18, 1103:19  
**ordinary** [4] - 1295:9, 1298:17, 1302:2,  
1303:3  
**orient** [1] - 1333:11  
**original** [1] - 1220:9  
**originally** [1] - 1064:7  
**OT** [1] - 1153:13  
**othere** [1] - 1088:18  
**otherwise** [2] - 1265:18, 1289:17  
**Otis** [1] - 1290:15  
**out-of-the-blue** [1] - 1214:20  
**outside** [11] - 1064:8, 1149:15, 1151:4,  
1161:19, 1202:13, 1202:16, 1259:2,  
1260:23, 1294:5, 1317:14, 1323:13  
**overly** [1] - 1162:10  
**overnight** [1] - 1205:12  
**overpower** [1] - 1094:19  
**overrule** [1] - 1299:14  
**overruled** [5] - 1124:20, 1127:20,  
1173:14, 1303:11, 1318:23  
**owe** [5] - 1158:24, 1159:15, 1159:16,  
1159:18, 1159:22  
**own** [16] - 1061:9, 1120:5, 1143:16,  
1170:9, 1172:18, 1173:13, 1207:18,  
1209:8, 1209:10, 1212:12, 1218:13,  
1228:22, 1228:23, 1279:15, 1284:9,  
1294:19

## P

**p.m** [3] - 1172:19, 1174:2, 1334:20  
**pack** [3] - 1161:22, 1161:25, 1162:1  
**package** [1] - 1161:21  
**packed** [1] - 1161:21  
**PAGE** [1] - 1336:3  
**page** [25] - 1065:7, 1097:16, 1125:23,  
1127:24, 1140:18, 1148:14, 1148:19,  
1154:25, 1155:15, 1155:19, 1156:5,  
1174:18, 1180:21, 1180:22, 1189:11,

1189:25, 1233:10, 1267:24, 1289:21,  
1301:14, 1305:13, 1307:12, 1316:8,  
1319:3  
**pages** [2] - 1146:15, 1315:19  
**paid** [11] - 1165:5, 1167:8, 1167:10,  
1194:3, 1226:12, 1226:13, 1229:10,  
1232:18, 1232:19, 1232:20, 1257:15  
**pain** [1] - 1282:24  
**pair** [2] - 1094:6, 1215:19  
**pan** [1] - 1160:14  
**pandemic** [6] - 1130:18, 1198:2,  
1198:10, 1248:15, 1248:18  
**panic** [1] - 1205:13  
**pants** [1] - 1228:17  
**paper** [5] - 1135:19, 1243:3, 1243:4,  
1255:6, 1255:7  
**papers** [1] - 1330:19  
**paperwork** [12] - 1063:11, 1106:12,  
1106:16, 1106:20, 1106:25, 1109:18,  
1207:10, 1207:13, 1207:14, 1207:15,  
1330:16  
**par** [1] - 1171:6  
**parade** [1] - 1143:13  
**paralegal** [1] - 1260:5  
**paralyzing** [1] - 1269:25  
**pardon** [1] - 1317:23  
**parents** [1] - 1320:18  
**Paris** [17] - 1191:17, 1191:24, 1192:4,  
1192:6, 1192:7, 1192:12, 1192:13,  
1194:1, 1194:4, 1194:5, 1194:22,  
1194:24, 1195:1, 1195:2, 1195:8,  
1195:10, 1196:22  
**park** [1] - 1196:1  
**Park** [4] - 1101:13, 1158:20, 1160:13,  
1195:25  
**parked** [1] - 1161:18  
**parole** [3] - 1271:10, 1271:11  
**part** [54] - 1069:13, 1088:2, 1089:6,  
1090:5, 1103:4, 1109:9, 1110:22,  
1111:6, 1111:19, 1111:25, 1112:5,  
1112:7, 1112:11, 1118:2, 1118:9,  
1119:23, 1148:20, 1149:23, 1154:17,  
1156:15, 1165:19, 1172:17, 1174:19,  
1176:12, 1176:15, 1177:22, 1180:6,  
1180:12, 1181:11, 1182:15, 1182:18,  
1186:6, 1186:15, 1186:19, 1189:16,  
1195:21, 1206:25, 1221:9, 1225:21,  
1225:24, 1227:20, 1229:8, 1235:7,  
1274:16, 1285:25, 1293:11, 1293:12,  
1295:8, 1298:1, 1298:5, 1323:14,  
1323:15, 1335:2  
**participate** [2] - 1167:15, 1297:7  
**participated** [4] - 1272:19, 1277:6,  
1283:14, 1283:19  
**participating** [1] - 1182:6  
**particular** [10] - 1085:3, 1126:11,  
1126:12, 1137:2, 1194:9, 1255:17,  
1290:24, 1293:17, 1311:24, 1328:22  
**parties** [7] - 1060:7, 1060:8, 1062:10,  
1062:25, 1209:16, 1250:5, 1332:25

**parts** [1] - 1144:8  
**party** [12] - 1081:17, 1137:11, 1208:21, 1208:23, 1208:25, 1209:20, 1209:21, 1209:22, 1209:23, 1248:8, 1249:17, 1299:10  
**party-opponent** [1] - 1299:10  
**Partying** [1] - 1208:20  
**pass** [2] - 1063:11, 1088:22  
**passed** [6] - 1088:21, 1088:23, 1170:12, 1170:19, 1170:25, 1219:7  
**passenger** [1] - 1164:21  
**passengers** [7] - 1165:6, 1165:7, 1165:8, 1165:22, 1225:3, 1227:22, 1227:23  
**passing** [1] - 1190:13  
**past** [2] - 1263:23, 1331:2  
**pat** [1] - 1292:18  
**patient** [1] - 1310:13  
**patrol** [4] - 1317:8, 1317:12, 1317:16, 1318:9  
**Pause** [5] - 1060:4, 1061:1, 1061:14, 1186:24, 1188:5  
**pause** [8] - 1109:3, 1122:21, 1150:12, 1172:25, 1178:18, 1187:20, 1191:2, 1332:9  
**pay** [4] - 1213:25, 1214:2, 1241:11, 1243:12  
**payout** [1] - 1166:13  
**PCS** [2] - 1202:13, 1203:1  
**PEACE** [1] - 1058:14  
**peachy** [1] - 1113:9  
**peachy-creamy** [1] - 1113:9  
**pearl** [1] - 1150:22  
**People** [1] - 1308:13  
**people** [57] - 1069:7, 1069:9, 1080:1, 1100:15, 1100:25, 1101:2, 1102:10, 1111:1, 1111:14, 1112:25, 1117:21, 1119:14, 1131:15, 1131:16, 1132:18, 1142:11, 1153:6, 1158:4, 1169:9, 1170:4, 1175:3, 1187:11, 1192:19, 1193:18, 1195:11, 1196:25, 1198:3, 1198:4, 1199:18, 1203:6, 1205:13, 1208:16, 1210:14, 1211:22, 1213:19, 1221:13, 1221:14, 1221:16, 1229:9, 1234:22, 1235:9, 1235:11, 1236:22, 1239:14, 1257:13, 1257:14, 1274:23, 1274:25, 1275:11, 1283:16, 1283:21, 1283:24, 1284:7, 1294:5, 1308:15, 1313:14  
**perceive** [1] - 1311:19  
**perceived** [1] - 1187:23  
**percs** [1] - 1157:25  
**perfect** [1] - 1066:15  
**perhaps** [2] - 1062:16, 1126:22  
**period** [4] - 1062:18, 1069:12, 1293:25, 1294:2  
**perjuring** [1] - 1278:3  
**perjury** [4] - 1278:5, 1280:15, 1280:20, 1281:2  
**permission** [5] - 1082:20, 1085:13,

1090:16, 1144:22, 1331:1  
**perp** [1] - 1163:6  
**person** [35] - 1059:8, 1073:2, 1080:18, 1095:23, 1105:2, 1118:13, 1121:3, 1130:8, 1134:19, 1137:14, 1137:15, 1140:24, 1156:19, 1156:20, 1161:4, 1238:2, 1246:9, 1246:10, 1261:8, 1261:10, 1275:5, 1275:6, 1295:6, 1299:1, 1300:4, 1304:15, 1313:9, 1313:13, 1313:20, 1314:20, 1316:12, 1316:15, 1317:15  
**personal** [6] - 1128:16, 1143:16, 1149:1, 1170:9, 1172:18, 1304:10  
**personality** [1] - 1199:22  
**personally** [3] - 1128:16, 1134:17, 1316:18  
**pertaining** [1] - 1123:11  
**PETER** [2] - 1058:19, 1058:21  
**petty** [1] - 1260:10  
**phases** [2] - 1192:17, 1192:21  
**Phaze** [13] - 1076:12, 1113:17, 1175:12, 1175:16, 1191:14, 1192:11, 1192:17, 1192:18, 1192:19, 1192:22, 1245:17, 1255:18  
**phone** [76] - 1060:2, 1060:20, 1099:19, 1115:8, 1115:10, 1123:8, 1123:9, 1124:3, 1124:7, 1124:8, 1125:6, 1125:15, 1125:21, 1125:22, 1126:2, 1126:5, 1126:11, 1126:17, 1126:23, 1127:6, 1127:7, 1127:11, 1127:14, 1128:5, 1128:8, 1128:19, 1128:21, 1128:22, 1136:7, 1143:18, 1143:21, 1144:16, 1144:23, 1149:2, 1155:6, 1155:8, 1156:24, 1157:1, 1157:5, 1157:8, 1157:12, 1161:17, 1172:3, 1172:4, 1200:13, 1200:14, 1213:14, 1213:15, 1214:6, 1214:12, 1226:25, 1239:25, 1240:13, 1242:1, 1245:18, 1245:21, 1246:9, 1246:11, 1247:7, 1251:13, 1293:23, 1294:4, 1294:21, 1295:2, 1295:3, 1295:4, 1295:5, 1295:6, 1296:12, 1300:24, 1301:6, 1301:18, 1302:13  
**phones** [3] - 1128:24, 1294:5, 1294:8  
**phonetic** [4] - 1115:2, 1120:3, 1192:20, 1196:8  
**phonetic))** [1] - 1109:2  
**Photo** [1] - 1313:20  
**photo** [54] - 1072:23, 1091:11, 1091:19, 1093:23, 1094:1, 1094:5, 1094:10, 1094:12, 1095:11, 1095:13, 1095:15, 1095:19, 1095:23, 1096:1, 1096:21, 1097:12, 1098:7, 1098:14, 1098:19, 1098:25, 1099:3, 1105:4, 1105:7, 1105:8, 1145:11, 1145:13, 1145:22, 1155:8, 1155:10, 1155:12, 1155:13, 1155:17, 1156:6, 1156:19, 1309:19, 1310:15, 1310:16, 1310:17, 1311:1, 1312:3, 1312:6, 1313:4, 1313:7, 1313:8, 1313:15, 1314:1, 1314:8,

1314:10, 1314:13, 1314:19, 1316:11, 1316:22, 1321:17, 1329:5  
**photograph** [9] - 1093:19, 1156:9, 1234:17, 1235:6, 1236:11, 1236:12, 1236:13, 1236:15, 1237:1  
**photographs** [7] - 1122:25, 1123:7, 1123:11, 1123:16, 1233:5, 1313:8, 1321:23  
**photos** [24] - 1092:9, 1092:11, 1092:12, 1092:20, 1092:22, 1093:1, 1103:12, 1103:14, 1103:16, 1103:18, 1103:22, 1103:25, 1123:23, 1123:24, 1123:25, 1124:9, 1125:4, 1125:22, 1127:14, 1127:15, 1127:16, 1128:15, 1153:17  
**phrased** [1] - 1265:14  
**physical** [34] - 1116:14, 1117:14, 1117:25, 1118:2, 1118:9, 1118:12, 1118:21, 1119:1, 1119:3, 1119:5, 1119:17, 1119:25, 1120:6, 1120:7, 1120:8, 1121:7, 1132:1, 1132:5, 1132:7, 1132:9, 1132:13, 1132:14, 1132:15, 1132:16, 1132:17, 1132:22, 1143:14, 1143:15, 1149:7, 1175:1, 1175:6, 1204:24, 1292:16  
**Physicals** [1] - 1131:24  
**physicals** [8] - 1116:13, 1116:17, 1116:18, 1116:19, 1117:20, 1117:23, 1131:24  
**Pianos** [2] - 1241:23, 1242:5  
**pick** [3] - 1199:16, 1227:2, 1271:13  
**picked** [2] - 1231:18, 1247:23  
**picking** [1] - 1149:2  
**picture** [20] - 1096:19, 1155:5, 1234:8, 1234:9, 1234:10, 1234:12, 1234:14, 1235:16, 1235:17, 1235:18, 1235:19, 1236:3, 1236:20, 1236:23, 1244:25, 1245:2, 1245:5, 1271:24, 1272:1  
**pictures** [1] - 1092:19  
**piece** [4] - 1243:3, 1243:4, 1255:6, 1255:7  
**pills** [5] - 1112:10, 1157:22, 1157:23, 1158:5, 1222:24  
**PIN** [5] - 1294:13, 1294:14, 1294:15, 1294:17, 1294:19  
**pin** [3] - 1074:9, 1074:10, 1075:23  
**pink** [1] - 1163:16  
**pinkie** [1] - 1071:10  
**pistol** [4] - 1150:21, 1152:23, 1218:19, 1219:1  
**pizza** [1] - 1201:7  
**pizzeria** [1] - 1201:6  
**place** [14] - 1082:20, 1091:5, 1141:10, 1144:6, 1168:19, 1173:3, 1173:12, 1231:13, 1231:14, 1231:16, 1243:6, 1277:9, 1300:25, 1319:12  
**placed** [1] - 1295:3  
**places** [2] - 1204:21, 1291:1  
**plain** [1] - 1235:18  
**plan** [17] - 1151:4, 1151:9, 1198:14, 1198:17, 1220:8, 1220:9, 1220:11,

1220:12, 1220:14, 1221:19, 1225:15,  
1225:17, 1227:6, 1317:22, 1317:24,  
1318:9  
**plane** [1] - 1106:1  
**planning** [1] - 1226:19  
**plans** [1] - 1064:17  
**plate** [1] - 1158:21  
**plates** [3] - 1165:7, 1227:24, 1227:25  
**platinum** [1] - 1163:20  
**play** [15] - 1146:25, 1147:20, 1215:10,  
1216:11, 1258:15, 1259:20, 1259:21,  
1260:8, 1260:11, 1260:12, 1260:17,  
1261:2, 1262:7, 1296:22, 1303:16  
**played** [6] - 1147:4, 1147:22, 1195:21,  
1216:14, 1262:4, 1262:8  
**Playing** [1] - 1265:24  
**playing** [4] - 1134:1, 1247:6, 1259:22  
**PlayStation** [1] - 1226:14  
**Plaza** [1] - 1058:16  
**plea** [3] - 1185:24, 1276:21, 1276:25  
**plead** [6] - 1181:11, 1181:15, 1181:19,  
1182:2, 1182:8, 1274:13  
**pleaded** [2] - 1183:2, 1183:9  
**pleading** [1] - 1273:22  
**pled** [12] - 1182:1, 1273:11, 1273:13,  
1273:14, 1273:17, 1273:24, 1274:1,  
1274:13, 1276:2, 1276:13, 1285:20  
**plus** [6] - 1183:6, 1183:7, 1183:8,  
1184:22, 1186:2, 1199:21  
**pocket** [3] - 1100:2, 1100:4, 1151:16  
**Point** [3] - 1218:23, 1219:8  
**point** [31] - 1062:3, 1075:20, 1081:14,  
1084:5, 1086:16, 1086:24, 1087:3,  
1088:25, 1089:1, 1090:3, 1104:16,  
1124:18, 1125:5, 1127:12, 1127:15,  
1150:18, 1150:20, 1150:21, 1151:19,  
1153:5, 1153:10, 1169:1, 1218:22,  
1218:25, 1229:15, 1255:25, 1268:11,  
1272:8, 1284:2, 1285:24, 1290:24  
**point-two-five** [1] - 1218:22  
**pointed** [1] - 1074:5  
**pointer** [1] - 1071:12  
**pointing** [4] - 1087:8, 1171:2, 1299:25,  
1300:7  
**Polasio** [1] - 1140:23  
**Police** [1] - 1308:18  
**police** [3] - 1254:18, 1270:11, 1317:14  
**policy** [2] - 1239:11, 1239:12  
**politically** [1] - 1080:10  
**poor** [3] - 1213:15, 1216:17, 1216:18  
**Poppalot** [1] - 1153:12  
**Poppalots** [1] - 1153:10  
**popped** [2] - 1114:6, 1114:7  
**popular** [1] - 1193:25  
**portion** [3] - 1159:8, 1223:5, 1259:1  
**position** [25] - 1077:22, 1079:12,  
1079:19, 1079:20, 1080:8, 1081:5,  
1081:7, 1083:9, 1083:25, 1084:1,  
1084:9, 1084:15, 1084:16, 1087:3,  
1100:25, 1103:21, 1110:11, 1110:12,

1130:1, 1130:5, 1130:6, 1131:9,  
1131:13, 1131:23, 1238:1  
**positions** [7] - 1083:19, 1084:4,  
1084:13, 1084:18, 1086:18, 1174:10,  
1228:11  
**possibility** [3] - 1060:11, 1060:12,  
1230:7  
**possible** [6] - 1235:3, 1235:8, 1237:21,  
1295:14, 1301:13, 1333:3  
**possibly** [3] - 1073:20, 1285:9, 1286:1  
**post** [10] - 1103:18, 1103:22, 1104:17,  
1104:19, 1104:20, 1104:21, 1200:4,  
1200:11, 1200:17, 1200:18  
**posted** [4] - 1103:25, 1104:2, 1217:17,  
1334:13  
**poster** [1] - 1236:20  
**posts** [1] - 1200:13  
**pot** [3] - 1169:18, 1170:1, 1170:2  
**pound** [10] - 1117:16, 1119:2, 1119:3,  
1119:4, 1133:5, 1133:6, 1133:9,  
1158:21, 1159:1, 1241:4  
**pounds** [5] - 1150:10, 1158:21,  
1220:20, 1220:21, 1220:24  
**power** [1] - 1172:17  
**practical** [1] - 1198:6  
**practice** [1] - 1201:21  
**pre** [1] - 1210:21  
**pre-rolls** [1] - 1210:21  
**precinct** [9] - 1243:5, 1252:21, 1253:7,  
1253:10, 1253:17, 1254:7, 1267:13,  
1328:22, 1329:17  
**Precinct** [7] - 1196:2, 1196:7, 1247:22,  
1272:4, 1309:7, 1328:25, 1329:16  
**precipitated** [1] - 1320:13  
**precisely** [1] - 1261:14  
**preclude** [1] - 1266:3  
**prefer** [1] - 1289:18  
**Preferably** [1] - 1300:11  
**preferably** [2] - 1304:21, 1304:22  
**preparation** [1] - 1295:19  
**prepare** [1] - 1330:4  
**prescribed** [2] - 1193:8, 1193:9  
**presence** [5] - 1124:15, 1145:11,  
1259:2, 1260:23, 1317:14  
**present** [25] - 1059:1, 1059:2, 1059:6,  
1063:4, 1063:6, 1063:20, 1064:12,  
1064:13, 1073:21, 1092:20, 1095:3,  
1107:20, 1123:22, 1127:16, 1129:12,  
1145:15, 1172:24, 1190:2, 1191:4,  
1258:17, 1267:3, 1294:3, 1306:18,  
1310:12, 1310:17  
**presentation** [1] - 1064:10  
**preserved** [3] - 1295:13, 1298:23,  
1301:3  
**pressing** [1] - 1242:6  
**prestige** [1] - 1215:22  
**pretend** [3] - 1198:23, 1227:15  
**pretended** [1] - 1202:25  
**pretending** [7] - 1201:7, 1202:2, 1202:4,  
1202:5, 1202:7, 1202:9, 1202:19

**pretty** [9] - 1132:20, 1162:14, 1198:1,  
1203:12, 1216:24, 1240:19, 1255:25,  
1268:11, 1275:18  
**prevent** [1] - 1060:25  
**previous** [1] - 1142:10  
**previously** [6] - 1066:2, 1086:5,  
1091:24, 1135:2, 1142:1, 1294:1  
**prices** [1] - 1221:2  
**primary** [1] - 1146:1  
**Prime** [1] - 1070:1  
**prison** [4] - 1105:21, 1274:17, 1290:17,  
1293:20  
**probation** [2] - 1117:17, 1117:18  
**problem** [5] - 1134:18, 1170:6, 1242:7,  
1244:16, 1269:1  
**problems** [2] - 1192:23, 1203:10  
**procedure** [2] - 1264:2, 1325:3  
**proceed** [7] - 1059:24, 1150:16, 1190:4,  
1267:8, 1307:11, 1328:2, 1333:22  
**Proceedings** [1] - 1058:24  
**proceedings** [3] - 1122:21, 1191:2,  
1332:9  
**proceeds** [1] - 1120:8  
**process** [14] - 1160:15, 1167:3, 1167:4,  
1176:12, 1176:15, 1180:6, 1296:25,  
1297:3, 1297:4, 1297:5, 1297:8,  
1297:11, 1298:5, 1335:2  
**processing** [2] - 1330:6, 1331:8  
**produced** [1] - 1058:25  
**profession** [1] - 1197:20  
**professional** [1] - 1210:20  
**project's** [1] - 1118:14  
**projected** [1] - 1062:16  
**promised** [1] - 1185:5  
**promote** [3] - 1209:16, 1209:17, 1250:4  
**promoter** [5] - 1208:22, 1208:23,  
1208:25, 1209:20, 1209:22  
**promotes** [3] - 1209:20, 1209:22,  
1250:5  
**promotional** [1] - 1203:1  
**proof** [1] - 1064:12  
**proper** [3] - 1123:15, 1302:19, 1302:23  
**properly** [2] - 1126:5, 1128:8  
**property** [2] - 1330:4, 1330:19  
**proportion** [1] - 1162:10  
**proposition** [1] - 1230:10  
**prosecuted** [1] - 1277:1  
**prosecution** [2] - 1251:19, 1286:7  
**prosecutor** [1] - 1251:20  
**prosecutors** [1] - 1176:13  
**protection** [1] - 1183:23  
**Protection** [1] - 1308:13  
**protocol** [2] - 1298:1, 1317:12  
**proud** [1] - 1186:19  
**provide** [3] - 1068:17, 1269:16, 1329:20  
**provided** [3] - 1258:24, 1269:14,  
1297:16  
**Prozac** [1] - 1205:23  
**psych** [1] - 1204:21



<p><b>psychiatric</b> [6] - 1193:8, 1204:22, 1205:2, 1205:3, 1205:6, 1205:8</p> <p><b>psychological</b> [1] - 1204:23</p> <p><b>public</b> [1] - 1223:15</p> <p><b>publish</b> [4] - 1082:20, 1085:13, 1090:16, 1093:15</p> <p><b>pull</b> [11] - 1067:10, 1072:13, 1105:10, 1135:13, 1149:20, 1212:16, 1228:13, 1236:25, 1266:2, 1301:11, 1310:20</p> <p><b>pulled</b> [3] - 1075:12, 1105:16, 1151:2</p> <p><b>pumping</b> [1] - 1219:23</p> <p><b>punch</b> [2] - 1163:24, 1167:22</p> <p><b>punched</b> [1] - 1119:15</p> <p><b>punches</b> [3] - 1113:24, 1113:25, 1120:19</p> <p><b>punchies</b> [1] - 1167:22</p> <p><b>purple</b> [1] - 1203:4</p> <p><b>purportedly</b> [1] - 1127:7</p> <p><b>purpose</b> [1] - 1297:20</p> <p><b>purposes</b> [2] - 1147:2, 1296:2</p> <p><b>pursuant</b> [2] - 1125:14, 1189:6</p> <p><b>push</b> [2] - 1085:7, 1085:9</p> <p><b>pushed</b> [1] - 1143:19</p> <p><b>put</b> [74] - 1063:16, 1082:24, 1084:13, 1084:15, 1084:16, 1084:22, 1091:2, 1091:9, 1100:1, 1100:3, 1102:7, 1117:4, 1117:7, 1117:18, 1118:19, 1119:12, 1121:4, 1122:17, 1123:1, 1124:2, 1124:6, 1126:22, 1128:11, 1129:25, 1130:13, 1133:5, 1133:6, 1133:9, 1141:10, 1144:6, 1152:6, 1156:12, 1156:13, 1156:18, 1156:20, 1165:20, 1167:7, 1169:17, 1169:21, 1170:4, 1174:10, 1184:6, 1189:4, 1198:8, 1200:4, 1204:11, 1204:20, 1204:25, 1205:3, 1228:2, 1229:24, 1230:12, 1243:4, 1261:22, 1271:7, 1272:6, 1297:15, 1298:16, 1306:8, 1312:13, 1312:14, 1314:7, 1317:17, 1317:20, 1322:4, 1322:10, 1322:25, 1323:1, 1325:15, 1332:24, 1333:7, 1333:25</p> <p><b>putting</b> [11] - 1116:21, 1116:22, 1116:24, 1118:7, 1136:13, 1164:10, 1164:14, 1184:7, 1216:12, 1282:13</p>	<p><b>questions</b> [25] - 1177:16, 1178:1, 1178:6, 1178:25, 1179:2, 1188:6, 1216:4, 1233:4, 1243:25, 1253:11, 1253:14, 1265:13, 1267:7, 1267:16, 1280:1, 1288:23, 1303:18, 1305:7, 1312:22, 1313:17, 1318:8, 1318:25, 1325:25, 1327:9, 1331:12</p> <p><b>quick</b> [1] - 1306:6</p> <p><b>quiet</b> [2] - 1075:24, 1075:25</p>	<p>1143:4, 1149:1, 1149:11, 1151:8, 1154:3, 1156:7, 1161:20, 1162:9, 1162:17, 1168:12, 1168:13, 1168:20, 1169:21, 1170:9, 1173:4, 1177:15, 1178:14, 1178:16, 1186:11, 1186:16, 1198:3, 1201:11, 1201:25, 1212:10, 1218:8, 1221:1, 1225:17, 1225:22, 1225:24, 1231:4, 1231:20, 1232:6, 1238:19, 1242:19, 1246:16, 1250:19, 1258:17, 1269:20, 1274:23, 1275:9</p>
	<p style="text-align: center;"><b>R</b></p>	
<p><b>Qawon</b> [2] - 1329:8, 1329:18</p> <p><b>qualifications</b> [1] - 1302:24</p> <p><b>QUANDEL</b> [1] - 1058:8</p> <p><b>Quandel</b> [4] - 1124:4, 1126:16, 1316:16, 1321:8</p> <p><b>Quandel's</b> [1] - 1321:11</p> <p><b>quarantine</b> [2] - 1187:19, 1187:25</p> <p><b>quarters</b> [2] - 1292:18, 1292:20</p> <p><b>Queens</b> [7] - 1119:24, 1130:16, 1168:17, 1168:18, 1172:21, 1172:23, 1174:4</p> <p><b>questioning</b> [2] - 1259:4, 1260:18</p>	<p><b>racketeering</b> [4] - 1182:2, 1182:5, 1182:9, 1276:3</p> <p><b>raise</b> [4] - 1060:23, 1278:15, 1307:4, 1327:22</p> <p><b>raised</b> [3] - 1125:20, 1128:18, 1281:20</p> <p><b>raising</b> [1] - 1098:10</p> <p><b>ran</b> [8] - 1115:15, 1152:8, 1152:9, 1152:10, 1152:13, 1198:20, 1202:13</p> <p><b>random</b> [2] - 1214:20, 1216:2</p> <p><b>rank</b> [1] - 1086:19</p> <p><b>ranking</b> [3] - 1077:21, 1077:22, 1079:12</p> <p><b>rapping</b> [1] - 1210:11</p> <p><b>rather</b> [3] - 1119:4, 1128:6, 1265:1</p> <p><b>ratting</b> [1] - 1270:25</p> <p><b>Ray</b> [1] - 1213:20</p> <p><b>re</b> [1] - 1259:14</p> <p><b>re-summarize</b> [1] - 1259:14</p> <p><b>reach</b> [3] - 1063:3, 1087:3, 1251:25</p> <p><b>reached</b> [5] - 1226:25, 1251:17, 1251:22, 1252:1, 1252:5</p> <p><b>react</b> [1] - 1189:16</p> <p><b>reaction</b> [3] - 1108:16, 1142:6, 1142:14</p> <p><b>read</b> [26] - 1106:15, 1106:16, 1106:17, 1124:5, 1126:20, 1145:22, 1145:24, 1146:4, 1171:23, 1189:9, 1189:11, 1254:22, 1254:24, 1255:5, 1255:7, 1255:9, 1262:18, 1266:19, 1266:21, 1266:23, 1272:11, 1300:7, 1300:9, 1300:17, 1315:24, 1331:1</p> <p><b>reading</b> [2] - 1135:20, 1173:25</p> <p><b>ready</b> [8] - 1062:10, 1122:9, 1129:6, 1188:7, 1190:4, 1289:7, 1333:2, 1334:3</p> <p><b>real</b> [8] - 1089:16, 1107:2, 1111:17, 1166:4, 1167:5, 1186:15, 1201:11, 1203:25</p> <p><b>realistic</b> [2] - 1133:4, 1134:2</p> <p><b>realize</b> [1] - 1186:17</p> <p><b>realized</b> [2] - 1143:3, 1282:18</p> <p><b>Really</b> [2] - 1240:2, 1240:24</p> <p><b>really</b> [75] - 1066:13, 1072:9, 1076:6, 1081:14, 1083:3, 1083:4, 1083:23, 1086:23, 1088:7, 1088:12, 1088:13, 1099:4, 1099:8, 1099:17, 1099:18, 1104:18, 1105:25, 1107:13, 1107:22, 1111:1, 1111:20, 1111:22, 1113:7, 1113:11, 1119:13, 1123:21, 1127:19, 1130:14, 1130:19, 1130:21, 1131:15,</p>	<p><b>rear</b> [1] - 1228:8</p> <p><b>reason</b> [14] - 1121:7, 1151:3, 1194:9, 1212:7, 1212:10, 1240:7, 1244:1, 1271:24, 1283:5, 1284:24, 1285:12, 1292:25, 1313:10, 1329:11</p> <p><b>reasons</b> [1] - 1063:24</p> <p><b>receive</b> [6] - 1091:1, 1093:11, 1166:13, 1181:7, 1292:12, 1296:19</p> <p><b>received</b> [25] - 1091:3, 1091:17, 1091:25, 1092:3, 1093:13, 1119:20, 1128:22, 1137:21, 1144:20, 1144:21, 1145:20, 1145:21, 1146:23, 1146:24, 1147:17, 1147:18, 1173:8, 1181:9, 1296:21, 1299:18, 1303:15, 1312:25, 1318:14, 1324:20, 1324:22</p> <p><b>recess</b> [2] - 1122:8, 1189:25</p> <p><b>recognize</b> [34] - 1071:19, 1072:22, 1085:25, 1086:9, 1087:10, 1087:23, 1088:16, 1089:12, 1092:9, 1092:14, 1092:16, 1092:19, 1096:1, 1104:11, 1111:7, 1135:15, 1136:1, 1136:23, 1137:3, 1144:12, 1145:6, 1146:11, 1147:8, 1154:14, 1160:19, 1171:21, 1171:24, 1180:17, 1296:4, 1296:6, 1311:3, 1329:5, 1329:9</p> <p><b>recognizes</b> [1] - 1124:10</p> <p><b>recollection</b> [14] - 1258:1, 1258:25, 1259:3, 1260:18, 1261:23, 1263:10, 1315:21, 1316:6, 1319:14, 1319:20, 1323:19, 1323:24, 1325:16, 1331:2</p> <p><b>recommended</b> [3] - 1166:10, 1229:15, 1229:17</p> <p><b>recommends</b> [1] - 1335:12</p> <p><b>record</b> [21] - 1059:3, 1062:7, 1071:5, 1122:18, 1124:23, 1125:13, 1126:20, 1189:4, 1189:9, 1237:19, 1266:23, 1267:8, 1295:25, 1299:16, 1302:19, 1302:20, 1315:2, 1315:18, 1327:25, 1330:15, 1330:18</p> <p><b>recorded</b> [12] - 1058:24, 1293:20, 1293:23, 1294:21, 1294:24, 1295:4, 1295:7, 1296:14, 1297:17, 1297:18, 1302:5, 1331:2</p> <p><b>recording</b> [13] - 1143:11, 1198:12, 1198:13, 1217:2, 1258:23, 1259:11, 1259:15, 1259:17, 1259:21, 1259:23, 1293:17</p> <p><b>recordings</b> [2] - 1295:16, 1303:17</p> <p><b>records</b> [5] - 1300:24, 1301:7, 1302:8, 1302:11, 1333:9</p>

**recovered** [1] - 1126:6  
**recruit** [2] - 1166:23, 1166:25  
**red** [5] - 1151:20, 1194:24, 1195:9, 1198:8, 1198:18  
**redacted** [1] - 1189:17  
**redirect** [2] - 1288:24, 1327:10  
**reduced** [1] - 1285:10  
**reemphasize** [1] - 1199:23  
**refer** [6] - 1069:6, 1070:8, 1163:3, 1291:10, 1314:23, 1315:6  
**reference** [1] - 1263:5  
**referral** [4] - 1167:11, 1167:13  
**referred** [2] - 1283:21, 1283:24  
**referring** [6] - 1171:9, 1283:16, 1283:20, 1322:7, 1330:22, 1335:2  
**reflect** [1] - 1071:5  
**reflected** [2] - 1067:15, 1173:5  
**refresh** [8] - 1257:25, 1258:17, 1258:25, 1261:5, 1263:10, 1315:20, 1316:5, 1323:24  
**refreshed** [2] - 1259:4, 1261:8  
**refreshes** [3] - 1260:17, 1261:3, 1261:23  
**refreshing** [2] - 1325:22, 1325:23  
**refused** [1] - 1227:2  
**regard** [1] - 1185:10  
**regarding** [7] - 1124:17, 1125:21, 1127:10, 1137:1, 1293:1, 1317:2, 1317:3  
**regular** [5] - 1079:18, 1119:16, 1273:15, 1295:11, 1298:20  
**regulations** [1] - 1292:16  
**rehab** [6] - 1204:1, 1204:3, 1204:4, 1204:5, 1204:6, 1204:12  
**reiterate** [1] - 1237:22  
**relapse** [1] - 1204:9  
**relate** [1] - 1208:15  
**related** [2] - 1076:4, 1149:9  
**relationship** [7] - 1077:3, 1081:11, 1086:15, 1088:11, 1090:14, 1090:15, 1321:12  
**relay** [3] - 1059:22, 1106:11, 1106:13  
**relayed** [3] - 1061:10, 1099:10, 1252:17  
**released** [4] - 1205:9, 1270:23, 1271:4, 1272:3  
**relocation** [1] - 1183:23  
**remain** [1] - 1254:25  
**remained** [1] - 1248:4  
**remains** [1] - 1330:1  
**remember** [93] - 1076:15, 1076:19, 1076:20, 1077:10, 1083:4, 1084:7, 1105:5, 1105:6, 1105:7, 1105:8, 1112:6, 1121:10, 1142:1, 1149:1, 1149:18, 1161:24, 1187:1, 1196:15, 1201:3, 1201:4, 1201:5, 1201:8, 1202:12, 1203:2, 1206:16, 1207:25, 1208:2, 1208:4, 1211:10, 1211:22, 1211:24, 1234:9, 1237:6, 1237:15, 1242:11, 1244:21, 1246:12, 1246:21, 1247:2, 1249:6, 1252:23, 1253:13,

1253:17, 1253:21, 1254:2, 1254:6, 1254:10, 1254:14, 1254:16, 1254:21, 1254:23, 1255:4, 1255:5, 1255:7, 1255:8, 1255:9, 1255:11, 1255:12, 1255:13, 1255:18, 1256:15, 1256:17, 1256:19, 1256:21, 1257:18, 1257:19, 1257:20, 1257:21, 1257:22, 1257:23, 1257:24, 1267:13, 1267:18, 1267:22, 1270:5, 1271:9, 1273:9, 1273:12, 1273:18, 1273:20, 1273:21, 1273:22, 1277:13, 1277:16, 1278:14, 1322:9, 1325:9, 1325:11, 1334:12  
**Remember** [2] - 1141:14, 1244:7  
**repeat** [7] - 1077:25, 1110:15, 1181:18, 1184:2, 1249:3, 1318:6, 1327:3  
**rephrase** [1] - 1263:2  
**rephrased** [1] - 1263:15  
**replacing** [1] - 1061:24  
**report** [3] - 1063:12, 1258:24, 1309:14  
**Reporter** [2] - 1058:22, 1058:23  
**reporter** [1] - 1277:20  
**reports** [2] - 1059:7, 1259:9  
**represent** [3] - 1093:5, 1146:17, 1302:12  
**representations** [1] - 1093:1  
**representing** [1] - 1101:8  
**reputation** [2] - 1116:5, 1116:12  
**request** [1] - 1189:3  
**require** [3] - 1184:11, 1184:13  
**required** [3] - 1059:21, 1180:6, 1277:25  
**requires** [3] - 1184:15, 1304:20  
**research** [1] - 1332:13  
**resided** [1] - 1072:11  
**residence** [2] - 1317:15, 1318:12  
**resolve** [1] - 1125:10  
**respect** [5] - 1123:11, 1294:4, 1310:10, 1321:7, 1335:2  
**respected** [2] - 1133:17, 1133:19  
**respectfully** [2] - 1124:20, 1303:11  
**respond** [3] - 1123:13, 1134:10, 1134:14  
**responded** [4] - 1062:24, 1107:4, 1109:2, 1245:20  
**responding** [2] - 1109:1, 1135:10  
**response** [7] - 1109:5, 1109:12, 1141:1, 1141:9, 1156:21, 1172:11, 1252:18  
**responsibilities** [1] - 1309:6  
**responsible** [1] - 1170:19  
**rest** [5] - 1063:1, 1109:19, 1173:25, 1189:13, 1332:21  
**resting** [2] - 1064:9, 1332:25  
**restroom** [4] - 1190:11, 1190:18, 1190:19, 1260:2  
**rests** [1] - 1332:22  
**resume** [3] - 1129:14, 1129:18, 1332:10  
**resumes** [2] - 1129:15, 1260:4  
**retired** [2] - 1308:21, 1319:9  
**retrieve** [1] - 1121:23  
**return** [3] - 1064:19, 1188:11, 1332:14  
**returned** [1] - 1194:20

**review** [4] - 1189:18, 1301:7, 1303:3, 1303:6  
**reward** [1] - 1282:15  
**ride** [6] - 1138:4, 1138:6, 1138:7, 1138:16, 1238:9, 1238:16  
**rights** [3] - 1254:22, 1254:24, 1255:10  
**Rikers** [16] - 1270:24, 1271:12, 1290:16, 1290:17, 1291:14, 1291:24, 1292:11, 1293:18, 1293:23, 1294:4, 1294:16, 1294:21, 1296:14, 1301:5, 1302:12  
**ringing** [1] - 1295:6  
**rip** [1] - 1228:17  
**ripped** [1] - 1239:15  
**rips** [5] - 1139:24, 1139:25, 1140:3, 1239:6, 1239:7  
**risk** [6] - 1164:11, 1164:14, 1230:12, 1231:6, 1279:15, 1282:13  
**risking** [1] - 1230:6  
**risks** [1] - 1229:21  
**risky** [2] - 1230:10, 1230:22  
**Risperdal** [1] - 1193:10  
**Rizzo** [10] - 1096:11, 1096:12, 1096:16, 1161:6, 1161:7, 1161:9, 1161:10, 1161:13, 1161:15, 1161:23  
**rob** [6] - 1151:10, 1220:5, 1220:8, 1220:10, 1221:22  
**robbed** [5] - 1115:13, 1116:1, 1116:2, 1215:4, 1220:16  
**robberies** [2] - 1149:22, 1169:14  
**robbery** [11] - 1112:10, 1150:7, 1150:8, 1211:14, 1211:16, 1215:2, 1218:17, 1219:2, 1222:3, 1222:4  
**Rock** [1] - 1119:23  
**Rockaway** [1] - 1119:23  
**rocks** [4] - 1160:13, 1160:16, 1160:17, 1160:23  
**role** [7] - 1086:22, 1176:23, 1215:10, 1286:16, 1286:17, 1295:8, 1321:15  
**roles** [1] - 1308:20  
**rolls** [1] - 1210:21  
**room** [23] - 1074:9, 1074:11, 1075:14, 1075:18, 1075:20, 1100:1, 1100:16, 1102:22, 1107:4, 1188:11, 1190:11, 1190:15, 1190:17, 1190:20, 1190:23, 1230:2, 1243:5, 1254:7, 1310:13, 1313:14, 1314:14, 1319:25, 1321:25  
**ROR** [1] - 1275:14  
**rough** [1] - 1188:4  
**roughed** [1] - 1118:17  
**rounds** [1] - 1171:4  
**route** [2] - 1286:13, 1286:14  
**Row** [7] - 1068:19, 1136:3, 1137:25, 1138:24, 1139:16, 1139:21, 1154:25  
**row** [17] - 1071:16, 1135:24, 1136:2, 1137:23, 1138:12, 1138:20, 1139:13, 1140:5, 1140:12, 1154:24, 1156:5, 1156:11, 1156:21, 1156:23, 1157:10  
**RPR** [1] - 1058:22  
**Rule** [2] - 1189:6  
**rule** [4] - 1125:17, 1127:5, 1335:3

<p><b>rules</b> [5] - 1118:21, 1118:23, 1119:13, 1119:14, 1292:16</p> <p><b>ruling</b> [1] - 1125:3</p> <p><b>run</b> [12] - 1100:12, 1100:14, 1114:3, 1142:24, 1152:9, 1196:6, 1196:7, 1228:14, 1271:11</p> <p><b>run-ins</b> [2] - 1196:6, 1196:7</p> <p><b>runs</b> [1] - 1062:19</p> <p><b>rush</b> [1] - 1220:14</p> <p><b>rushed</b> [1] - 1063:2</p> <p><b>Russ</b> [2] - 1124:3, 1125:7</p> <p><b>Russian</b> [1] - 1086:12</p>	<p><b>seat</b> [14] - 1062:6, 1063:16, 1063:22, 1064:1, 1065:3, 1129:13, 1191:5, 1228:16, 1261:22, 1267:4, 1289:12, 1306:19, 1307:6, 1327:24</p> <p><b>second</b> [18] - 1077:5, 1083:17, 1095:23, 1148:14, 1166:22, 1173:18, 1174:18, 1226:6, 1231:3, 1261:7, 1281:4, 1281:11, 1281:12, 1281:15, 1281:19, 1282:10, 1283:9</p> <p><b>secondly</b> [1] - 1124:2</p> <p><b>seconds</b> [1] - 1147:1</p> <p><b>secret</b> [1] - 1210:18</p> <p><b>section</b> [1] - 1290:25</p> <p><b>secured</b> [1] - 1296:12</p> <p><b>Securus</b> [2] - 1301:3, 1301:4</p> <p><b>see</b> [79] - 1067:13, 1067:15, 1067:21, 1068:10, 1071:16, 1071:19, 1080:16, 1081:19, 1081:20, 1082:3, 1082:14, 1085:16, 1085:19, 1085:21, 1085:23, 1086:7, 1087:4, 1087:5, 1087:6, 1087:8, 1093:18, 1093:19, 1094:1, 1098:14, 1098:20, 1098:21, 1104:21, 1108:20, 1108:21, 1108:22, 1110:17, 1115:4, 1122:9, 1127:8, 1132:13, 1132:15, 1132:16, 1133:14, 1133:16, 1135:17, 1137:23, 1138:19, 1138:20, 1149:15, 1160:8, 1165:1, 1171:24, 1172:17, 1173:18, 1174:19, 1189:24, 1195:3, 1199:1, 1206:9, 1212:21, 1234:2, 1234:6, 1234:12, 1234:14, 1235:1, 1235:19, 1236:22, 1247:8, 1253:7, 1259:3, 1260:1, 1260:17, 1261:3, 1268:22, 1297:19, 1299:22, 1315:20, 1319:25, 1322:14, 1330:24, 1331:20, 1333:18</p> <p><b>seeing</b> [1] - 1092:17</p> <p><b>seek</b> [1] - 1193:21</p> <p><b>seeking</b> [1] - 1308:15</p> <p><b>sees</b> [2] - 1198:12, 1228:13</p> <p><b>seized</b> [2] - 1125:12, 1127:7</p> <p><b>seizing</b> [1] - 1126:11</p> <p><b>seizure</b> [2] - 1204:13, 1204:14</p> <p><b>selected</b> [1] - 1314:1</p> <p><b>self</b> [9] - 1070:9, 1078:16, 1119:11, 1298:5, 1298:15, 1299:16, 1300:5, 1300:9, 1300:18</p> <p><b>self-admission</b> [1] - 1300:9</p> <p><b>self-admissions</b> [1] - 1298:5</p> <p><b>self-admits</b> [1] - 1298:15</p> <p><b>self-admitted</b> [3] - 1299:16, 1300:5, 1300:18</p> <p><b>self-explanatory</b> [2] - 1078:16, 1119:11</p> <p><b>self-identify</b> [1] - 1070:9</p> <p><b>sell</b> [17] - 1158:3, 1158:6, 1158:9, 1158:14, 1159:3, 1159:11, 1160:8, 1160:9, 1161:2, 1161:9, 1162:13, 1169:7, 1222:21, 1222:23, 1241:4, 1241:8, 1241:9</p> <p><b>selling</b> [6] - 1158:18, 1159:14, 1162:20, 1168:3, 1169:8, 1250:2</p>	<p><b>sells</b> [1] - 1121:13</p> <p><b>send</b> [13] - 1138:1, 1140:15, 1148:16, 1155:4, 1169:19, 1173:11, 1174:4, 1243:8, 1246:25, 1247:1, 1251:15, 1330:5, 1335:6</p> <p><b>sending</b> [2] - 1145:9, 1284:7</p> <p><b>sends</b> [5] - 1110:6, 1110:7, 1251:9, 1251:14, 1251:22</p> <p><b>SENIOR</b> [1] - 1058:12</p> <p><b>sense</b> [1] - 1240:25</p> <p><b>sent</b> [29] - 1099:18, 1108:14, 1112:16, 1140:16, 1140:20, 1144:3, 1144:5, 1155:5, 1155:9, 1155:17, 1156:6, 1156:19, 1170:13, 1171:10, 1171:12, 1194:2, 1217:5, 1244:25, 1251:18, 1270:15, 1270:23, 1271:24, 1272:1, 1272:13, 1274:2, 1331:7</p> <p><b>sentence</b> [17] - 1182:22, 1182:24, 1183:5, 1183:10, 1183:14, 1184:12, 1184:20, 1184:25, 1185:2, 1185:5, 1185:11, 1186:1, 1186:2, 1186:3, 1285:2, 1285:10</p> <p><b>sentencing</b> [6] - 1183:20, 1184:7, 1184:10, 1185:21, 1277:3, 1285:2</p> <p><b>separate</b> [7] - 1124:8, 1125:24, 1128:13, 1177:9, 1177:10, 1260:13, 1291:1</p> <p><b>separately</b> [1] - 1086:22</p> <p><b>sergeant</b> [4] - 1317:8, 1317:12, 1317:16, 1318:9</p> <p><b>serious</b> [3] - 1240:5, 1240:25, 1281:8</p> <p><b>serve</b> [1] - 1308:20</p> <p><b>service</b> [3] - 1064:4, 1064:21, 1332:14</p> <p><b>services</b> [1] - 1308:15</p> <p><b>SESSION</b> [1] - 1190:1</p> <p><b>set</b> [5] - 1076:10, 1099:25, 1117:9, 1130:22, 1307:2</p> <p><b>sets</b> [4] - 1095:3, 1095:6, 1097:2, 1101:6</p> <p><b>settled</b> [1] - 1227:1</p> <p><b>settlement</b> [3] - 1165:13, 1226:24, 1227:1</p> <p><b>seven</b> [9] - 1063:17, 1105:25, 1231:12, 1231:22, 1232:3, 1282:24, 1290:23, 1309:8, 1334:24</p> <p><b>several</b> [1] - 1313:14</p> <p><b>severe</b> [1] - 1319:16</p> <p><b>severed</b> [1] - 1204:4</p> <p><b>Shack</b> [3] - 1113:1, 1211:23</p> <p><b>share</b> [6] - 1084:2, 1084:9, 1100:16, 1100:25, 1102:9, 1248:16</p> <p><b>shared</b> [5] - 1081:4, 1083:21, 1086:18, 1086:25, 1088:6</p> <p><b>sharing</b> [2] - 1087:3, 1148:5</p> <p><b>shelter</b> [13] - 1112:18, 1112:23, 1113:13, 1113:14, 1113:15, 1114:18, 1116:3, 1211:19, 1211:20, 1211:24, 1213:2, 1213:9, 1213:11</p> <p><b>shenanigans</b> [1] - 1143:13</p> <p><b>Shepherd</b> [2] - 1121:13, 1143:1</p> <p><b>shifted</b> [1] - 1275:16</p>
<b>S</b>		
<p><b>sacrifice</b> [1] - 1232:2</p> <p><b>sad</b> [1] - 1216:15</p> <p><b>safe</b> [2] - 1064:19, 1319:24</p> <p><b>safety</b> [3] - 1279:15, 1293:7, 1318:19</p> <p><b>said/she</b> [1] - 1304:25</p> <p><b>salon</b> [2] - 1073:10, 1073:11</p> <p><b>Samsung</b> [2] - 1123:8, 1125:6</p> <p><b>Sand</b> [2] - 1335:12, 1335:14</p> <p><b>sat</b> [4] - 1254:12, 1279:24, 1280:17, 1311:14</p> <p><b>saw</b> [10] - 1107:17, 1138:10, 1140:24, 1142:21, 1153:17, 1160:23, 1269:23, 1274:9, 1281:10, 1320:14</p> <p><b>scams</b> [3] - 1167:15, 1168:3, 1168:5</p> <p><b>scared</b> [5] - 1143:10, 1207:8, 1230:9, 1237:23, 1237:24</p> <p><b>schedule</b> [2] - 1062:16, 1332:20</p> <p><b>scheduled</b> [1] - 1097:7</p> <p><b>schedules</b> [1] - 1062:24</p> <p><b>scheduling</b> [2] - 1064:6, 1064:16</p> <p><b>scheme</b> [8] - 1165:21, 1166:23, 1167:9, 1177:22, 1227:14, 1277:6, 1277:9, 1278:10</p> <p><b>schemes</b> [1] - 1167:16</p> <p><b>school</b> [9] - 1115:5, 1191:17, 1191:20, 1191:22, 1192:10, 1192:23, 1193:3, 1213:13, 1292:1</p> <p><b>scolded</b> [2] - 1075:5, 1075:6</p> <p><b>scolding</b> [2] - 1075:8, 1075:10</p> <p><b>screaming</b> [1] - 1201:17</p> <p><b>screen</b> [20] - 1067:11, 1067:19, 1071:16, 1085:16, 1085:17, 1087:6, 1094:3, 1140:16, 1155:8, 1234:6, 1270:15, 1270:22, 1271:3, 1298:11, 1299:22, 1299:25, 1301:16, 1303:7, 1310:23, 1313:6</p> <p><b>screen-shot</b> [1] - 1140:16</p> <p><b>screen-shotted</b> [1] - 1155:8</p> <p><b>screening</b> [1] - 1297:5</p> <p><b>screenshot</b> [1] - 1108:15</p> <p><b>scroll</b> [2] - 1135:16, 1301:12</p> <p><b>sealed</b> [2] - 1210:21, 1331:7</p> <p><b>sealing</b> [1] - 1128:25</p> <p><b>search</b> [4] - 1292:17, 1292:18, 1292:20</p> <p><b>searched</b> [1] - 1297:5</p>		

**shifting** [1] - 1062:25  
**shirt** [9] - 1094:7, 1094:8, 1095:17, 1096:14, 1098:3, 1198:17, 1253:21, 1253:22  
**shit** [11] - 1111:4, 1115:11, 1132:8, 1133:25, 1148:6, 1148:7, 1156:24, 1157:2, 1245:19, 1276:20, 1286:15  
**shocked** [1] - 1246:22  
**shook** [1] - 1152:4  
**shoot** [2] - 1152:11, 1270:6  
**shooting** [11] - 1249:13, 1268:13, 1268:18, 1269:25, 1272:5, 1272:22, 1316:22, 1317:19, 1321:12, 1321:18, 1321:20  
**shootings** [1] - 1309:9  
**short** [4] - 1069:5, 1228:6, 1228:7, 1228:9  
**short-stopped** [1] - 1228:9  
**short-stops** [2] - 1228:6, 1228:7  
**shorter** [1] - 1237:10  
**shorts** [2] - 1094:6, 1253:23  
**shot** [26] - 1140:16, 1187:15, 1188:3, 1246:13, 1246:16, 1246:17, 1247:4, 1247:11, 1247:13, 1248:2, 1248:3, 1248:10, 1248:11, 1270:2, 1270:4, 1270:8, 1270:11, 1270:15, 1270:23, 1271:3, 1272:18, 1313:20, 1314:20, 1316:12, 1326:11  
**shots** [1] - 1214:16  
**shotted** [1] - 1155:8  
**shoulder** [3] - 1160:6, 1160:7, 1187:4  
**shoulders** [1] - 1180:3  
**show** [30] - 1059:8, 1067:8, 1067:19, 1070:22, 1072:19, 1082:12, 1085:11, 1089:9, 1092:4, 1092:5, 1093:17, 1124:6, 1135:12, 1144:10, 1146:6, 1151:18, 1154:12, 1174:3, 1212:19, 1233:6, 1239:14, 1250:7, 1260:21, 1261:21, 1262:3, 1298:8, 1309:18, 1312:6, 1315:8, 1315:18  
**showed** [8] - 1081:22, 1160:10, 1160:13, 1216:5, 1250:8, 1310:14, 1310:17, 1311:1  
**Showing** [1] - 1145:2  
**showing** [19] - 1082:9, 1087:22, 1088:15, 1146:9, 1160:18, 1171:15, 1171:17, 1171:19, 1172:12, 1180:15, 1254:21, 1258:13, 1258:25, 1262:5, 1315:16, 1321:22, 1329:3, 1330:20  
**shown** [1] - 1313:10  
**shun** [1] - 1215:9  
**Shut** [1] - 1239:19  
**shut** [4] - 1239:25, 1240:4, 1240:11, 1241:1  
**siblings** [1] - 1224:7  
**sic** [4] - 1161:20, 1177:9, 1218:25, 1281:4  
**sick** [1] - 1198:23  
**Siclen** [2] - 1124:5, 1126:15  
**side** [9] - 1075:12, 1107:6, 1131:20,

1137:14, 1141:6, 1143:22, 1159:20, 1198:12, 1228:13  
**sidebar** [1] - 1258:3  
**SIEGEL** [15] - 1058:18, 1060:23, 1085:18, 1122:4, 1123:3, 1125:3, 1263:15, 1264:19, 1332:19, 1333:1, 1333:6, 1333:14, 1334:7, 1335:11, 1335:19  
**Siegel** [1] - 1125:2  
**sign** [5] - 1071:8, 1098:10, 1180:24, 1281:5, 1281:10  
**signature** [1] - 1180:22  
**signed** [3] - 1180:9, 1296:7, 1304:5  
**silent** [1] - 1254:25  
**similar** [3] - 1063:14, 1254:3, 1313:8  
**simple** [1] - 1141:13  
**simultaneously** [1] - 1091:4  
**single** [2] - 1100:13, 1192:2  
**sister** [3] - 1118:6, 1224:3, 1224:4  
**sister's** [3] - 1195:11, 1195:12, 1195:14  
**sisters** [2] - 1224:2, 1224:3  
**sit** [8] - 1067:23, 1107:18, 1107:20, 1112:15, 1183:9, 1186:7, 1223:4, 1330:11  
**sits** [2] - 1108:24, 1198:11  
**sitting** [4] - 1162:2, 1185:2, 1270:7, 1277:20  
**situation** [21] - 1074:15, 1075:17, 1109:21, 1112:18, 1112:20, 1112:22, 1133:15, 1134:15, 1149:2, 1149:12, 1165:14, 1165:16, 1165:17, 1167:7, 1203:14, 1216:19, 1216:20, 1241:23, 1241:24, 1243:17, 1318:8  
**situations** [1] - 1170:7  
**six** [11] - 1146:15, 1159:24, 1224:22, 1229:4, 1237:8, 1292:15, 1309:8, 1310:15, 1313:8, 1313:11, 1321:22  
**six-foot-four** [1] - 1237:8  
**six-four** [1] - 1159:24  
**skeptical** [1] - 1198:10  
**skin** [1] - 1172:18  
**skit** [5] - 1198:1, 1199:7, 1199:8, 1201:9  
**skits** [4] - 1197:21, 1197:23, 1198:21, 1199:21  
**slam** [1] - 1113:25  
**slammed** [1] - 1114:1  
**sleep** [1] - 1229:24  
**slight** [1] - 1190:8  
**slowly** [1] - 1096:3  
**small** [2] - 1144:4, 1216:17  
**Smilez** [74] - 1073:14, 1075:13, 1080:3, 1080:21, 1081:2, 1081:3, 1081:11, 1082:7, 1085:10, 1088:6, 1108:20, 1111:14, 1118:3, 1118:8, 1118:9, 1132:13, 1132:15, 1153:19, 1153:21, 1154:1, 1154:7, 1154:20, 1155:17, 1156:6, 1156:21, 1156:24, 1157:16, 1168:24, 1170:21, 1208:10, 1208:11, 1209:6, 1209:9, 1244:5, 1244:7, 1244:23, 1245:4, 1245:17, 1246:6,

1246:8, 1246:10, 1246:19, 1247:4, 1247:13, 1247:25, 1248:13, 1248:14, 1248:17, 1249:5, 1249:21, 1250:1, 1251:14, 1251:17, 1251:22, 1252:5, 1253:12, 1255:15, 1255:18, 1255:19, 1256:19, 1257:11, 1261:13, 1263:19, 1263:24, 1267:19, 1268:5, 1268:17, 1268:20, 1269:24, 1270:5, 1270:11, 1271:2, 1272:1, 1274:2  
**Smilez's** [1] - 1108:20  
**smoke** [1] - 1329:24  
**smoked** [3] - 1156:14, 1156:16, 1245:11  
**Smooch** [28] - 1118:11, 1118:12, 1121:11, 1141:14, 1141:21, 1142:13, 1142:17, 1142:21, 1143:17, 1144:1, 1147:6, 1147:11, 1147:23, 1148:22, 1149:5, 1149:9, 1149:14, 1149:17, 1158:13, 1162:12, 1162:14, 1216:6, 1216:18, 1217:10, 1222:18  
**smooch** [2] - 1121:11, 1121:12  
**SMOTHERS** [1] - 1058:8  
**Smothers** [21] - 1059:5, 1059:6, 1064:11, 1122:5, 1122:22, 1123:9, 1123:12, 1124:4, 1125:13, 1126:3, 1126:9, 1126:12, 1126:16, 1127:7, 1128:3, 1218:11, 1218:12, 1265:17, 1316:16, 1321:8  
**Smothers'** [3] - 1125:22, 1126:18, 1127:14  
**sneakers** [7] - 1115:18, 1115:20, 1215:3, 1215:17, 1215:18, 1215:19, 1215:23  
**so..** [1] - 1107:6  
**social** [4] - 1103:22, 1121:2, 1121:4, 1134:16  
**sold** [13] - 1112:10, 1152:18, 1152:20, 1157:19, 1161:10, 1162:11, 1162:14, 1162:15, 1162:18, 1222:18, 1222:24  
**someone** [15] - 1084:22, 1102:25, 1110:17, 1117:1, 1117:25, 1121:6, 1127:16, 1129:25, 1132:1, 1153:22, 1156:13, 1175:2, 1207:3, 1252:18, 1318:15  
**sometime** [3] - 1247:13, 1252:22, 1304:12  
**sometimes** [8] - 1088:5, 1088:7, 1121:6, 1193:17, 1206:1, 1294:19, 1300:13, 1300:15  
**somewhere** [3] - 1099:5, 1150:17, 1200:12  
**soon** [1] - 1306:9  
**sorry** [29] - 1077:25, 1080:14, 1086:14, 1089:18, 1090:22, 1092:15, 1104:13, 1114:19, 1122:15, 1123:4, 1128:2, 1137:13, 1145:12, 1155:11, 1164:12, 1172:8, 1172:23, 1188:2, 1188:17, 1195:6, 1204:2, 1219:24, 1246:5, 1249:3, 1249:5, 1256:24, 1261:11, 1285:19, 1325:21  
**Sorry** [2] - 1110:15, 1136:9



**sort** [2] - 1079:11, 1265:24  
**sound** [5] - 1132:10, 1132:11, 1147:1, 1147:21, 1151:11  
**sour** [1] - 1163:6  
**Spanish** [1] - 1228:24  
**spanked** [1] - 1245:11  
**speaker** [1] - 1061:2  
**speaking** [2] - 1256:15, 1265:3  
**special** [2] - 1193:3, 1317:17  
**Special** [1] - 1308:13  
**specific** [1] - 1106:14  
**specifically** [6] - 1071:23, 1078:20, 1079:17, 1094:14, 1103:17, 1110:24  
**speculate** [1] - 1064:3  
**speculation** [1] - 1310:2  
**Speechless** [2] - 1102:25, 1234:21  
**speechless** [1] - 1234:18  
**spell** [5] - 1158:10, 1270:25, 1289:13, 1307:6, 1327:25  
**spend** [1] - 1205:6  
**spent** [2] - 1186:13, 1280:7  
**split** [7] - 1152:16, 1221:4, 1221:7, 1221:12, 1221:16, 1222:9, 1222:10  
**spoken** [3] - 1251:7, 1251:8  
**spot** [3] - 1110:13, 1165:6, 1165:8  
**spread** [3] - 1078:11, 1245:9, 1272:18  
**spred** [1] - 1245:10  
**squad** [2] - 1309:7, 1328:25  
**stable** [1] - 1151:13  
**stacks** [1] - 1225:13  
**Stacks** [3] - 1225:12, 1228:25  
**staff** [1] - 1293:9  
**stage** [3] - 1224:19, 1225:3, 1225:23  
**staged** [11] - 1164:8, 1164:9, 1164:10, 1164:13, 1177:4, 1178:13, 1179:18, 1179:21, 1225:4, 1277:10  
**staged-car** [4] - 1177:4, 1178:13, 1179:18, 1179:21  
**staircase** [1] - 1118:14  
**stairs** [2] - 1115:16, 1118:13  
**stamp** [1] - 1080:4  
**stand** [21] - 1070:15, 1103:6, 1128:16, 1129:9, 1129:14, 1129:15, 1133:21, 1133:22, 1133:23, 1133:24, 1133:25, 1134:3, 1134:8, 1134:19, 1159:25, 1187:1, 1187:2, 1188:25, 1260:4, 1289:11, 1327:18  
**standard** [1] - 1335:12  
**standing** [6] - 1095:24, 1117:2, 1134:14, 1135:6, 1216:17, 1236:17  
**Standing** [2] - 1134:5, 1134:6  
**stands** [2] - 1067:6, 1070:13  
**start** [4] - 1060:10, 1146:7, 1237:21, 1292:25  
**started** [22] - 1076:24, 1078:10, 1109:15, 1114:2, 1114:4, 1115:13, 1122:14, 1143:22, 1143:23, 1165:1, 1181:17, 1181:21, 1186:12, 1192:22, 1205:22, 1206:15, 1253:11, 1254:21,

1255:10, 1272:6, 1280:18, 1292:11  
**Starting** [1] - 1137:23  
**starting** [2] - 1060:15, 1213:14  
**starts** [1] - 1295:6  
**state** [11] - 1061:19, 1074:2, 1105:21, 1135:21, 1271:10, 1275:12, 1289:12, 1291:5, 1307:6, 1308:15, 1327:24  
**State** [3] - 1293:20, 1308:12, 1308:13  
**statement** [14] - 1173:3, 1174:1, 1255:14, 1259:1, 1261:6, 1261:12, 1262:21, 1263:17, 1263:21, 1263:22, 1278:9, 1299:10, 1317:24, 1334:16  
**statements** [4] - 1261:7, 1261:9, 1277:12, 1334:8  
**STATES** [3] - 1058:1, 1058:3, 1058:12  
**states** [4] - 1217:12, 1293:19, 1295:3, 1295:6  
**States** [4] - 1058:5, 1058:15, 1058:18, 1059:4  
**stating** [2] - 1141:25, 1169:2  
**station** [2] - 1115:1, 1202:18  
**stature** [1] - 1237:25  
**status** [21] - 1077:18, 1077:20, 1077:21, 1078:7, 1078:9, 1081:3, 1083:21, 1083:22, 1088:4, 1088:6, 1088:20, 1089:5, 1089:8, 1090:10, 1111:10, 1111:11, 1129:23, 1130:23, 1132:18, 1170:24  
**statute** [1] - 1313:9  
**stay** [4] - 1064:18, 1169:4, 1169:11, 1194:5  
**stayed** [1] - 1194:14  
**Staying** [1] - 1138:13  
**staying** [3] - 1138:15, 1138:18, 1238:14  
**steal** [6] - 1158:4, 1219:18, 1279:2, 1279:4, 1279:7, 1279:11  
**stems** [1] - 1270:3  
**stenographer** [1] - 1277:19  
**stenography** [1] - 1058:24  
**step** [7] - 1121:25, 1175:23, 1260:25, 1261:24, 1262:11, 1327:18  
**stepping** [1] - 1114:4  
**steps** [3] - 1122:2, 1258:10, 1262:15  
**Steven** [5] - 1206:19, 1207:1, 1207:2, 1207:4, 1207:6  
**Steven's** [1] - 1206:19  
**stickers** [1] - 1295:3  
**still** [22] - 1065:2, 1085:6, 1089:6, 1130:23, 1130:24, 1131:2, 1138:2, 1138:4, 1143:8, 1143:9, 1171:6, 1178:22, 1190:13, 1238:9, 1247:25, 1248:4, 1264:16, 1270:1, 1279:18, 1320:16  
**stole** [1] - 1219:19  
**stomped** [1] - 1119:15  
**stomping** [1] - 1114:5  
**stomps** [1] - 1120:18  
**Stone** [5] - 1067:4, 1068:3, 1070:2, 1070:3, 1142:2  
**stop** [2] - 1258:15, 1280:11

**stopped** [6] - 1115:9, 1115:24, 1204:14, 1214:9, 1215:11, 1228:9  
**stops** [2] - 1228:6, 1228:7  
**store** [1] - 1151:22  
**stories** [1] - 1187:20  
**story** [1] - 1187:12  
**straight** [2] - 1110:20, 1241:1  
**straightforward** [1] - 1264:20  
**strain** [6] - 1163:11, 1163:15, 1163:19, 1163:23, 1163:25, 1164:2  
**strains** [1] - 1163:4  
**stranger** [1] - 1199:1  
**strangers** [1] - 1061:19  
**Street** [1] - 1058:20  
**street** [11] - 1111:4, 1111:5, 1133:22, 1133:25, 1134:15, 1143:22, 1152:10, 1201:5, 1220:1, 1221:1, 1275:15  
**stressed** [1] - 1276:8  
**stricken** [2] - 1266:25, 1267:7  
**strictly** [4] - 1069:10, 1069:11, 1174:22, 1174:23  
**strike** [3] - 1162:19, 1263:6, 1266:13  
**stripe** [1] - 1094:8  
**structure** [2] - 1067:18, 1067:23  
**struggling** [1] - 1230:16  
**stuck** [3] - 1192:18, 1192:22, 1275:23  
**studied** [1] - 1199:12  
**studies** [1] - 1292:4  
**stuff** [16] - 1109:15, 1111:5, 1112:10, 1113:6, 1113:7, 1114:5, 1130:18, 1130:21, 1152:19, 1200:4, 1208:20, 1210:11, 1242:14, 1250:19, 1281:7  
**stupid** [2] - 1121:9, 1186:16  
**stupidity** [1] - 1215:25  
**Stuy** [1] - 1099:5  
**subject** [5] - 1300:19, 1313:9, 1313:11, 1313:13, 1314:10  
**submit** [3] - 1189:17, 1334:17, 1335:9  
**submitted** [2] - 1231:22, 1282:12  
**substance** [1] - 1335:13  
**substantive** [1] - 1335:6  
**substitute** [1] - 1189:20  
**sued** [1] - 1314:17  
**suffer** [2] - 1203:21, 1269:5  
**suffered** [1] - 1319:16  
**suffering** [1] - 1269:8  
**suggestion** [1] - 1262:17  
**suicidal** [2] - 1205:14, 1205:16  
**Suicide** [3] - 1100:17, 1101:3, 1236:21  
**suicide** [1] - 1101:4  
**summarize** [1] - 1259:14  
**summary** [3] - 1173:18, 1173:19, 1173:25  
**summer** [1] - 1106:6  
**Sunday** [2] - 1172:19, 1174:2  
**supply** [2] - 1210:23, 1210:25  
**supposed** [17] - 1088:10, 1100:12, 1107:10, 1107:16, 1107:18, 1107:19, 1107:21, 1120:1, 1120:10, 1149:13,

<p>1149:17, 1151:5, 1170:11, 1239:23, 1250:6</p> <p><b>supposedly</b> <sup>[1]</sup> - 1088:10</p> <p><b>Supreme</b> <sup>[1]</sup> - 1321:3</p> <p><b>surgeon</b> <sup>[3]</sup> - 1151:16, 1151:19, 1219:11</p> <p><b>surgeries</b> <sup>[1]</sup> - 1166:7</p> <p><b>surgery</b> <sup>[24]</sup> - 1166:5, 1166:8, 1166:9, 1166:10, 1166:12, 1166:14, 1166:16, 1166:18, 1166:20, 1229:16, 1229:17, 1229:20, 1229:21, 1230:4, 1230:7, 1230:10, 1230:22, 1231:1, 1231:2, 1231:4, 1279:12, 1279:15, 1282:13</p> <p><b>suspend</b> <sup>[2]</sup> - 1117:17, 1193:4</p> <p><b>suspended</b> <sup>[2]</sup> - 1193:2, 1193:3</p> <p><b>sustained</b> <sup>[8]</sup> - 1129:4, 1166:4, 1179:8, 1223:19, 1224:14, 1226:21, 1283:10, 1311:23</p> <p><b>Sustained</b> <sup>[1]</sup> - 1287:4</p> <p><b>swear</b> <sup>[1]</sup> - 1278:16</p> <p><b>sweater</b> <sup>[1]</sup> - 1151:20</p> <p><b>swinging</b> <sup>[2]</sup> - 1201:20, 1202:23</p> <p><b>switch</b> <sup>[4]</sup> - 1092:8, 1228:10, 1228:11</p> <p><b>switched</b> <sup>[1]</sup> - 1089:2</p> <p><b>switching</b> <sup>[4]</sup> - 1088:24, 1088:25, 1142:11, 1175:17</p> <p><b>swore</b> <sup>[1]</sup> - 1278:17</p> <p><b>sworn</b> <sup>[6]</sup> - 1278:12, 1278:14, 1278:15, 1281:20, 1308:1</p> <p><b>sworn/affirmed</b> <sup>[5]</sup> - 1066:3, 1290:3, 1307:5, 1327:23, 1328:3</p> <p><b>system</b> <sup>[3]</sup> - 1214:16, 1284:5, 1297:18</p>	<p><b>tension</b> <sup>[1]</sup> - 1102:22</p> <p><b>term</b> <sup>[13]</sup> - 1075:25, 1079:7, 1099:12, 1103:10, 1116:21, 1119:7, 1120:23, 1143:21, 1163:8, 1167:22, 1173:23, 1175:17, 1296:24</p> <p><b>terms</b> <sup>[3]</sup> - 1064:6, 1071:19, 1127:19</p> <p><b>testified</b> <sup>[34]</sup> - 1066:3, 1109:4, 1123:22, 1124:3, 1126:10, 1126:14, 1127:15, 1157:19, 1175:23, 1176:9, 1191:16, 1192:9, 1196:21, 1206:14, 1208:9, 1211:10, 1211:13, 1214:8, 1224:16, 1226:4, 1229:12, 1231:11, 1237:2, 1273:6, 1276:21, 1283:13, 1290:3, 1308:2, 1320:21, 1322:4, 1322:14, 1326:21, 1328:4</p> <p><b>testify</b> <sup>[8]</sup> - 1126:11, 1126:14, 1126:22, 1180:13, 1183:19, 1285:18, 1289:17, 1321:2</p> <p><b>testifying</b> <sup>[4]</sup> - 1112:6, 1178:9, 1280:24, 1319:11</p> <p><b>testimony</b> <sup>[13]</sup> - 1127:10, 1280:10, 1281:9, 1281:11, 1281:13, 1282:9, 1284:1, 1295:19, 1315:5, 1323:6, 1323:15, 1333:9, 1335:5</p> <p><b>testing</b> <sup>[1]</sup> - 1286:8</p> <p><b>text</b> <sup>[30]</sup> - 1135:20, 1136:6, 1136:20, 1137:1, 1137:6, 1138:12, 1138:22, 1139:20, 1140:6, 1140:13, 1140:15, 1146:18, 1154:25, 1156:23, 1238:8, 1238:23, 1244:3, 1244:16, 1246:21, 1246:25, 1247:1, 1247:6, 1253:12, 1255:14, 1255:16, 1255:17, 1255:20, 1256:12, 1272:14, 1274:2</p> <p><b>texted</b> <sup>[6]</sup> - 1107:2, 1247:7, 1249:1, 1249:5, 1249:15</p> <p><b>texting</b> <sup>[2]</sup> - 1244:21, 1244:23</p> <p><b>that's's</b> <sup>[1]</sup> - 1263:23</p> <p><b>THE</b> <sup>[373]</sup> - 1058:12, 1059:3, 1059:13, 1059:14, 1059:16, 1059:23, 1060:1, 1060:3, 1060:6, 1060:17, 1060:21, 1060:22, 1061:2, 1061:6, 1061:13, 1061:15, 1062:2, 1062:5, 1062:13, 1062:23, 1063:9, 1063:13, 1063:14, 1063:20, 1063:23, 1065:1, 1065:4, 1065:5, 1066:10, 1066:13, 1066:14, 1072:2, 1074:22, 1074:24, 1075:1, 1075:3, 1075:6, 1075:7, 1075:8, 1075:9, 1075:19, 1075:21, 1075:22, 1075:24, 1076:20, 1076:21, 1076:22, 1080:12, 1080:13, 1080:14, 1080:15, 1081:21, 1082:9, 1082:22, 1085:14, 1085:19, 1085:20, 1085:21, 1085:23, 1085:24, 1086:13, 1086:18, 1086:20, 1086:21, 1086:23, 1087:4, 1087:16, 1087:17, 1087:18, 1087:19, 1087:20, 1088:13, 1088:14, 1090:7, 1090:8, 1090:9, 1090:19, 1090:21, 1090:24, 1091:1, 1091:6, 1091:8, 1091:14, 1091:18, 1091:23, 1092:1, 1093:5, 1093:7, 1093:11, 1093:15, 1093:19,</p>	<p>1093:22, 1096:6, 1096:8, 1096:9, 1096:12, 1096:13, 1096:14, 1096:15, 1102:2, 1102:4, 1102:9, 1102:11, 1104:4, 1104:5, 1104:6, 1104:8, 1105:15, 1105:17, 1121:16, 1121:19, 1121:25, 1122:3, 1122:5, 1122:9, 1122:19, 1122:22, 1123:14, 1123:17, 1124:11, 1124:24, 1125:2, 1125:19, 1126:8, 1126:18, 1127:5, 1127:22, 1128:14, 1128:18, 1129:7, 1129:8, 1129:12, 1129:16, 1135:21, 1136:15, 1136:18, 1137:21, 1144:20, 1145:20, 1146:23, 1147:17, 1150:2, 1150:3, 1155:10, 1155:11, 1155:12, 1155:13, 1155:14, 1157:3, 1157:4, 1157:6, 1157:7, 1157:9, 1157:23, 1157:25, 1159:1, 1159:2, 1159:3, 1159:4, 1159:5, 1159:7, 1159:8, 1159:9, 1159:13, 1159:15, 1160:6, 1160:7, 1164:12, 1164:13, 1164:15, 1168:8, 1169:13, 1169:16, 1172:7, 1172:10, 1172:14, 1173:7, 1173:9, 1173:13, 1174:12, 1174:13, 1174:15, 1174:16, 1181:7, 1185:10, 1186:9, 1187:25, 1188:2, 1188:7, 1188:9, 1188:10, 1188:15, 1188:18, 1188:23, 1189:1, 1189:16, 1189:20, 1189:22, 1189:24, 1190:3, 1190:7, 1190:16, 1190:17, 1190:19, 1190:21, 1190:23, 1190:24, 1191:4, 1195:4, 1195:5, 1195:6, 1210:2, 1210:3, 1210:4, 1210:5, 1210:6, 1210:7, 1223:19, 1224:14, 1226:21, 1234:2, 1234:3, 1246:4, 1258:4, 1258:8, 1258:9, 1258:11, 1258:19, 1259:6, 1259:12, 1259:15, 1259:19, 1259:25, 1260:5, 1260:9, 1260:12, 1260:15, 1260:20, 1260:21, 1261:2, 1261:21, 1262:2, 1262:5, 1262:10, 1262:14, 1262:16, 1263:5, 1263:11, 1263:14, 1264:1, 1264:6, 1264:16, 1264:25, 1265:7, 1265:13, 1265:17, 1265:20, 1265:24, 1266:8, 1266:11, 1266:15, 1266:17, 1266:21, 1267:1, 1267:3, 1268:24, 1269:1, 1269:2, 1269:3, 1276:10, 1283:10, 1283:12, 1287:4, 1288:17, 1288:21, 1288:24, 1289:1, 1289:3, 1289:4, 1289:7, 1289:10, 1289:12, 1289:14, 1289:16, 1289:19, 1289:20, 1292:20, 1292:21, 1295:24, 1296:3, 1296:17, 1296:19, 1299:6, 1299:8, 1299:12, 1299:17, 1302:17, 1302:21, 1303:11, 1303:19, 1303:22, 1305:9, 1305:11, 1306:3, 1306:6, 1306:12, 1306:16, 1306:18, 1306:23, 1307:1, 1307:2, 1307:3, 1307:4, 1307:6, 1307:8, 1307:10, 1310:4, 1310:7, 1311:9, 1311:23, 1312:23, 1315:10, 1315:13, 1315:15, 1316:2, 1317:23, 1317:25, 1318:2, 1318:6, 1318:13, 1318:16, 1318:17, 1318:23, 1319:1, 1324:1,</p>
<b>T</b>		
<p><b>T-H-O-M-A-S</b> <sup>[1]</sup> - 1328:1</p> <p><b>T-shirt</b> <sup>[2]</sup> - 1253:21, 1253:22</p> <p><b>t-shirt</b> <sup>[4]</sup> - 1095:17, 1096:14, 1198:17</p> <p><b>table</b> <sup>[3]</sup> - 1254:10, 1254:12, 1266:1</p> <p><b>tables</b> <sup>[1]</sup> - 1210:19</p> <p><b>tall</b> <sup>[2]</sup> - 1159:23, 1160:1</p> <p><b>tank</b> <sup>[2]</sup> - 1253:21, 1253:22</p> <p><b>tattoo</b> <sup>[2]</sup> - 1086:9, 1087:10</p> <p><b>tattoos</b> <sup>[4]</sup> - 1070:17, 1070:20, 1086:7, 1230:9</p> <p><b>taught</b> <sup>[1]</sup> - 1291:13</p> <p><b>teacher</b> <sup>[1]</sup> - 1192:20</p> <p><b>teachers</b> <sup>[3]</sup> - 1192:10, 1192:12, 1192:15</p> <p><b>team</b> <sup>[3]</sup> - 1266:1, 1266:2, 1309:8</p> <p><b>technically</b> <sup>[1]</sup> - 1259:19</p> <p><b>teenager</b> <sup>[2]</sup> - 1208:7, 1208:8</p> <p><b>teeth</b> <sup>[1]</sup> - 1114:5</p> <p><b>telephone</b> <sup>[1]</sup> - 1126:7</p> <p><b>ten</b> <sup>[13]</sup> - 1097:8, 1122:3, 1182:23, 1208:3, 1219:19, 1219:22, 1219:25, 1220:1, 1222:6, 1226:10, 1226:11, 1226:12, 1274:17</p> <p><b>tend</b> <sup>[1]</sup> - 1059:18</p> <p><b>tended</b> <sup>[1]</sup> - 1322:2</p>		

1325:20, 1325:24, 1326:21, 1326:25,  
1327:2, 1327:10, 1327:12, 1327:17,  
1327:21, 1327:22, 1327:24, 1328:1,  
1328:2, 1331:3, 1331:13, 1331:15,  
1331:17, 1331:19, 1331:20, 1331:24,  
1332:3, 1332:7, 1332:11, 1332:17,  
1332:21, 1333:2, 1333:12, 1333:15,  
1333:20, 1333:23, 1334:2, 1334:9,  
1334:15, 1334:21, 1334:24, 1335:8,  
1335:18, 1335:20  
**theft** [1] - 1328:21  
**themselves** [4] - 1070:6, 1215:8,  
1284:8, 1295:17  
**therapy** [9] - 1165:10, 1167:6, 1167:14,  
1231:12, 1231:14, 1231:16, 1282:5,  
1282:25, 1283:2  
**there'** [1] - 1161:4  
**thinking** [3] - 1062:20, 1212:11,  
1272:10  
**thinks** [1] - 1062:15  
**third** [4] - 1068:9, 1083:17, 1174:18,  
1242:24  
**Thomas** [2] - 1327:16, 1328:1  
**THOMAS** [2] - 1328:3, 1336:15  
**thoughts** [2] - 1205:14, 1205:16  
**thousand** [1] - 1232:16  
**thousands** [1] - 1293:16  
**threatening** [3] - 1326:17, 1327:4,  
1327:5  
**threats** [7] - 1317:2, 1317:5, 1317:13,  
1318:13, 1318:14, 1320:22, 1321:10  
**three** [20] - 1062:20, 1064:8, 1080:3,  
1100:15, 1100:24, 1101:2, 1108:18,  
1108:19, 1117:21, 1148:19, 1150:3,  
1154:25, 1156:5, 1174:12, 1221:12,  
1257:3, 1273:11, 1273:15, 1315:18,  
1328:20  
**three-week** [1] - 1064:8  
**threw** [4] - 1107:3, 1114:25, 1170:23,  
1207:12  
**throw** [4] - 1071:1, 1097:9, 1099:12,  
1099:14  
**thrown** [2] - 1073:12, 1073:13  
**ticket** [1] - 1194:3  
**tickets** [1] - 1167:23  
**ties** [1] - 1204:4  
**tight** [1] - 1244:8  
**tireand** [1] - 1138:18  
**tired** [5] - 1109:17, 1138:17, 1238:16,  
1239:4, 1286:14  
**title** [3] - 1290:12, 1291:21, 1328:17  
**to...** [1] - 1165:13  
**today** [33] - 1059:9, 1059:18, 1060:9,  
1060:10, 1060:14, 1060:15, 1061:16,  
1067:23, 1112:15, 1127:14, 1138:16,  
1183:9, 1185:2, 1185:14, 1185:20,  
1185:21, 1186:7, 1197:10, 1197:11,  
1203:11, 1218:16, 1237:2, 1238:15,  
1253:24, 1253:25, 1273:6, 1315:5,  
1330:11, 1332:2, 1334:20, 1334:21,

1334:22, 1334:23  
**together** [11] - 1086:21, 1094:13,  
1097:2, 1112:20, 1158:18, 1169:11,  
1199:22, 1248:8, 1249:19, 1271:7,  
1272:6  
**tolerance** [3] - 1134:20, 1134:21,  
1134:22  
**tomorrow** [2] - 1126:21  
**took** [24] - 1103:14, 1103:15, 1107:1,  
1113:5, 1114:23, 1142:5, 1151:1,  
1152:14, 1153:5, 1173:3, 1186:17,  
1198:7, 1206:16, 1206:19, 1207:11,  
1215:8, 1231:18, 1234:9, 1277:9,  
1286:12, 1286:14, 1319:11  
**top** [24] - 1078:16, 1083:16, 1110:13,  
1116:6, 1142:15, 1145:24, 1165:11,  
1174:19, 1174:21, 1174:22, 1174:23,  
1175:17, 1175:19, 1175:20, 1175:21,  
1243:18, 1253:21, 1253:22, 1276:17,  
1299:20, 1304:16, 1316:1  
**topic** [1] - 1157:18  
**topics** [1] - 1175:17  
**topnotch** [1] - 1175:12  
**torn** [2] - 1166:18, 1166:19  
**totally** [4] - 1125:16, 1138:15, 1238:14,  
1238:15  
**touch** [2] - 1201:13, 1204:9  
**tough** [1] - 1117:2  
**towards** [6] - 1078:10, 1116:15,  
1142:25, 1143:2, 1170:4, 1228:14  
**towel** [1] - 1096:6  
**town** [4] - 1061:17, 1072:10, 1082:7  
**Town** [18] - 1071:17, 1071:25, 1072:1,  
1072:3, 1072:4, 1072:5, 1072:6,  
1072:8, 1072:9, 1072:11, 1082:8,  
1103:7, 1196:22, 1196:24  
**towns** [1] - 1082:5  
**trafficked** [2] - 1274:4, 1274:6  
**trafficking** [1] - 1182:11  
**train** [13] - 1113:6, 1113:9, 1113:10,  
1115:1, 1115:3, 1115:14, 1115:15,  
1115:16, 1115:17, 1198:6, 1198:20,  
1199:2, 1202:18  
**training** [3] - 1292:12, 1292:14, 1292:17  
**Transcript** [1] - 1058:24  
**TRANSCRIPT** [1] - 1058:11  
**transcript** [1] - 1189:7  
**Transcription** [1] - 1058:25  
**translated** [3] - 1228:24, 1228:25,  
1229:1  
**transmit** [1] - 1107:10  
**transparent** [1] - 1061:3  
**trauma** [1] - 1319:16  
**treating** [2] - 1240:19, 1240:20  
**Tremont** [2] - 1113:11, 1113:12  
**TRIAL** [1] - 1058:11  
**trial** [8] - 1059:4, 1060:19, 1064:8,  
1064:20, 1092:8, 1252:2, 1285:20,  
1285:22  
**trick** [1] - 1080:12

**tried** [8] - 1114:2, 1114:3, 1142:24,  
1217:17, 1219:12, 1219:15, 1226:22,  
1271:5  
**trip** [2] - 1107:21, 1133:14  
**Triple** [3] - 1129:23, 1130:5, 1130:11  
**triple** [12] - 1080:11, 1080:13, 1080:14,  
1081:5, 1081:6, 1081:9, 1084:5,  
1084:22, 1085:2, 1085:6, 1086:22,  
1086:23  
**trouble** [13] - 1117:17, 1192:25,  
1198:23, 1242:2, 1256:1, 1256:7,  
1256:8, 1256:9, 1268:18, 1268:19,  
1272:10, 1275:14, 1288:2  
**true** [5] - 1181:1, 1264:7, 1278:19,  
1295:16, 1298:25  
**truly** [2] - 1072:7, 1302:11  
**trust** [3] - 1199:11, 1242:19, 1250:24  
**trusted** [1] - 1250:22  
**truth** [21] - 1172:14, 1173:3, 1180:4,  
1180:7, 1185:15, 1185:18, 1185:19,  
1261:16, 1277:25, 1278:2, 1278:16,  
1284:13, 1284:15, 1285:24, 1285:25,  
1286:2, 1286:3, 1286:9, 1286:10,  
1286:11  
**truthful** [1] - 1285:9  
**truthfully** [2] - 1180:13, 1183:19  
**try** [10] - 1083:17, 1158:22, 1169:11,  
1174:9, 1201:19, 1221:22, 1261:5,  
1263:21, 1318:21, 1333:2  
**trying** [16] - 1091:10, 1099:12, 1099:14,  
1107:6, 1110:20, 1117:1, 1130:13,  
1141:25, 1149:16, 1158:24, 1164:19,  
1164:20, 1169:10, 1215:9, 1264:21,  
1333:6  
**tuck** [1] - 1228:17  
**Tuesday** [1] - 1334:1  
**turn** [15] - 1095:9, 1104:9, 1140:18,  
1148:13, 1157:18, 1210:1, 1210:10,  
1242:2, 1242:6, 1242:20, 1242:22,  
1288:4, 1288:9  
**turned** [6] - 1113:15, 1194:12, 1219:15,  
1242:24, 1243:4, 1288:15  
**turning** [8] - 1096:21, 1097:11, 1142:11,  
1156:5, 1156:11, 1180:21, 1288:9,  
1309:11  
**Turning** [2] - 1138:12, 1155:15  
**TV** [1] - 1226:14  
**twice** [4] - 1097:5, 1179:13, 1231:2  
**two** [42] - 1063:16, 1068:1, 1073:6,  
1099:4, 1102:9, 1108:18, 1117:21,  
1123:19, 1128:13, 1150:3, 1151:1,  
1152:11, 1152:22, 1152:23, 1153:2,  
1154:6, 1158:18, 1165:19, 1165:25,  
1175:3, 1177:9, 1177:10, 1194:14,  
1194:15, 1218:22, 1218:25, 1219:7,  
1224:3, 1224:23, 1224:25, 1229:7,  
1271:7, 1272:6, 1277:12, 1281:17,  
1283:13, 1291:1, 1304:14, 1333:8  
**Two** [1] - 1247:17  
**two-five** [2] - 1152:23, 1218:25

<p><b>two-point</b> [1] - 1218:25</p> <p><b>Ty</b> [10] - 1110:23, 1111:13, 1111:14, 1111:15, 1111:16, 1158:13, 1162:16, 1162:17</p> <p><b>Ty's</b> [1] - 1111:17</p> <p><b>type</b> [8] - 1096:24, 1142:8, 1164:5, 1177:19, 1207:6, 1208:18, 1304:18, 1320:10</p> <p><b>typed</b> [1] - 1155:8</p> <p><b>Tyshawn</b> [1] - 1111:18</p>	<p>1070:2, 1142:2</p> <p><b>up</b> [190] - 1059:8, 1062:10, 1062:18, 1067:10, 1067:12, 1067:19, 1071:1, 1081:14, 1082:24, 1088:24, 1095:24, 1104:22, 1107:17, 1112:21, 1112:25, 1113:10, 1114:2, 1114:3, 1114:25, 1115:7, 1116:1, 1116:20, 1117:2, 1117:11, 1117:22, 1118:5, 1118:16, 1118:17, 1120:4, 1120:20, 1125:18, 1131:19, 1132:20, 1133:21, 1133:22, 1133:23, 1133:24, 1134:3, 1135:13, 1139:19, 1142:8, 1142:20, 1142:21, 1142:23, 1142:25, 1143:2, 1143:5, 1143:21, 1143:23, 1143:24, 1144:7, 1148:20, 1149:2, 1149:3, 1149:7, 1149:17, 1151:2, 1151:3, 1151:10, 1151:25, 1152:4, 1155:7, 1156:13, 1157:11, 1159:10, 1159:25, 1160:3, 1161:25, 1162:1, 1164:23, 1169:19, 1170:3, 1170:5, 1171:5, 1171:11, 1174:8, 1183:18, 1184:9, 1186:14, 1187:1, 1187:2, 1190:12, 1193:20, 1193:25, 1195:19, 1195:20, 1195:22, 1197:9, 1198:5, 1199:16, 1200:15, 1200:25, 1207:11, 1210:1, 1210:10, 1212:1, 1212:16, 1213:14, 1213:16, 1214:5, 1214:12, 1215:4, 1215:22, 1216:12, 1220:8, 1221:19, 1222:14, 1225:7, 1225:8, 1225:23, 1227:2, 1231:18, 1234:6, 1234:22, 1235:3, 1236:22, 1237:3, 1238:5, 1238:22, 1238:23, 1239:14, 1239:19, 1239:25, 1240:4, 1240:11, 1240:13, 1241:1, 1243:9, 1245:17, 1245:21, 1247:20, 1247:23, 1247:24, 1248:22, 1249:13, 1249:16, 1250:7, 1250:8, 1251:12, 1251:13, 1251:14, 1252:7, 1252:10, 1252:11, 1252:12, 1252:13, 1252:23, 1256:3, 1256:19, 1256:22, 1256:23, 1256:25, 1257:7, 1257:10, 1266:2, 1269:24, 1271:5, 1271:10, 1271:13, 1271:21, 1272:17, 1274:17, 1275:10, 1275:11, 1276:5, 1280:19, 1280:23, 1281:1, 1281:2, 1281:3, 1281:8, 1282:18, 1285:7, 1289:10, 1297:19, 1299:20, 1301:11, 1306:5, 1310:20, 1311:25, 1312:12, 1321:22, 1327:18, 1332:1</p> <p><b>Up</b> [2] - 1153:25, 1154:10</p> <p><b>updated</b> [1] - 1304:17</p> <p><b>updates</b> [1] - 1073:19</p> <p><b>ups</b> [3] - 1173:10, 1174:14, 1174:22</p> <p><b>upset</b> [4] - 1102:3, 1102:5, 1102:6, 1104:24</p> <p><b>upside</b> [2] - 1087:13, 1275:16</p>	<p><b>van</b> [1] - 1251:16</p> <p><b>vein</b> [1] - 1063:15</p> <p><b>vendors</b> [2] - 1210:13</p> <p><b>verbally</b> [2] - 1084:16, 1134:17</p> <p><b>verdict</b> [1] - 1063:3</p> <p><b>versus</b> [1] - 1059:4</p> <p><b>vibe</b> [1] - 1142:8</p> <p><b>victim</b> [4] - 1309:19, 1313:12, 1314:7, 1317:19</p> <p><b>victims</b> [1] - 1313:10</p> <p><b>video</b> [30] - 1144:4, 1144:5, 1147:5, 1147:8, 1147:11, 1147:12, 1147:23, 1148:16, 1201:4, 1216:5, 1216:14, 1217:12, 1242:4, 1257:25, 1258:15, 1258:18, 1258:20, 1259:9, 1260:17, 1260:21, 1261:2, 1261:21, 1262:3, 1262:18, 1264:10, 1268:23, 1268:24</p> <p><b>Video</b> [4] - 1147:4, 1147:22, 1262:4, 1262:8</p> <p><b>videos</b> [7] - 1112:2, 1112:3, 1200:22, 1200:24, 1201:3, 1208:21, 1265:24</p> <p><b>view</b> [3] - 1137:2, 1235:18, 1258:19</p> <p><b>viewed</b> [3] - 1310:16, 1314:9, 1314:13</p> <p><b>violated</b> [1] - 1119:12</p> <p><b>violation</b> [12] - 1116:15, 1119:7, 1119:9, 1119:10, 1119:20, 1133:1, 1133:2, 1143:14, 1143:15, 1149:18, 1271:10</p> <p><b>violations</b> [1] - 1119:15</p> <p><b>violence</b> [3] - 1134:24, 1214:21, 1216:2</p> <p><b>violent</b> [4] - 1119:18, 1119:19, 1135:9</p> <p><b>visible</b> [1] - 1236:13</p> <p><b>visit</b> [5] - 1106:4, 1130:16, 1238:5, 1239:7, 1239:14</p> <p><b>visits</b> [2] - 1318:12, 1318:18</p> <p><b>visually</b> [1] - 1160:9</p> <p><b>vogue</b> [2] - 1075:25, 1076:1</p> <p><b>voiced</b> [1] - 1248:3</p> <p><b>voices</b> [1] - 1088:8</p> <p><b>voir</b> [3] - 1311:8, 1311:22, 1311:23</p> <p><b>VOIR</b> [2] - 1311:10, 1336:12</p> <p><b>voluntary</b> [1] - 1204:5</p> <p><b>volunteered</b> [2] - 1204:5, 1204:6</p> <p><b>vomiting</b> [1] - 1198:24</p> <p><b>voted</b> [1] - 1100:16</p> <p><b>voucher</b> [1] - 1330:3</p> <p><b>vouchered</b> [6] - 1124:3, 1125:7, 1126:17, 1330:2, 1330:13, 1331:6</p> <p><b>vouchering</b> [1] - 1128:24</p> <p><b>vulgar</b> [1] - 1135:11</p>
<p style="text-align: center;"><b>U</b></p>		
<p><b>U.S</b> [3] - 1270:24, 1271:4, 1272:3</p> <p><b>Uber</b> [1] - 1099:21</p> <p><b>UBM</b> [1] - 1068:2</p> <p><b>ugly</b> [1] - 1184:8</p> <p><b>UGSN</b> [2] - 1067:3, 1142:1</p> <p><b>uh-hum</b> [6] - 1159:4, 1163:21, 1169:24, 1175:19, 1275:20, 1276:16</p> <p><b>Uhmm</b> [1] - 1249:12</p> <p><b>unable</b> [1] - 1059:18</p> <p><b>uncle</b> [12] - 1150:9, 1150:15, 1150:24, 1151:8, 1151:9, 1152:17, 1219:6, 1220:7, 1220:9, 1221:11, 1221:15, 1221:20</p> <p><b>under</b> [44] - 1065:2, 1068:13, 1068:15, 1068:20, 1069:11, 1077:13, 1077:16, 1083:15, 1090:2, 1117:13, 1146:1, 1177:5, 1177:8, 1178:1, 1178:6, 1178:8, 1179:6, 1179:20, 1182:19, 1183:21, 1184:13, 1184:17, 1203:19, 1203:20, 1204:25, 1205:1, 1213:23, 1214:17, 1231:7, 1236:17, 1277:12, 1278:8, 1279:16, 1279:19, 1280:1, 1280:24, 1282:9, 1284:7, 1287:12, 1300:8, 1300:17, 1335:4</p> <p><b>underground</b> [1] - 1209:5</p> <p><b>understandable</b> [1] - 1227:5</p> <p><b>understood</b> [9] - 1088:6, 1111:3, 1131:22, 1216:19, 1262:24, 1264:24, 1265:1, 1265:4</p> <p><b>unfortunate</b> [1] - 1286:20</p> <p><b>unfortunately</b> [1] - 1190:13</p> <p><b>uniform</b> [1] - 1308:21</p> <p><b>unique</b> [1] - 1294:14</p> <p><b>unit</b> [1] - 1204:22</p> <p><b>UNITED</b> [3] - 1058:1, 1058:3, 1058:12</p> <p><b>United</b> [5] - 1058:5, 1058:15, 1058:18, 1059:4, 1068:2</p> <p><b>universal</b> [8] - 1077:6, 1077:7, 1077:15, 1078:23, 1078:25, 1096:25, 1168:17, 1168:18</p> <p><b>universals</b> [1] - 1097:4</p> <p><b>University</b> [2] - 1292:2, 1292:8</p> <p><b>unlawful</b> [1] - 1276:15</p> <p><b>unless</b> [2] - 1288:15, 1306:13</p> <p><b>unnecessary</b> [2] - 1279:12, 1282:12</p> <p><b>Unruly</b> [2] - 1175:12, 1175:16</p> <p><b>Untouchable</b> [4] - 1067:4, 1068:3,</p>	<p style="text-align: center;"><b>V</b></p>	
<p><b>value</b> [1] - 1220:1</p> <p><b>Van</b> [2] - 1124:5, 1126:15</p>		<p style="text-align: center;"><b>W</b></p>
		<p><b>W-A-L-K-E-R</b> [1] - 1289:15</p> <p><b>Wade</b> [1] - 1096:5</p> <p><b>wade</b> [4] - 1098:22, 1099:22, 1234:18, 1234:21</p> <p><b>wait</b> [2] - 1062:13, 1138:23</p> <p><b>waited</b> [1] - 1242:24</p> <p><b>waiting</b> [2] - 1165:1, 1190:11</p> <p><b>walk</b> [2] - 1134:17, 1142:23</p>



**walked** [8] - 1099:23, 1113:10, 1151:3, 1151:15, 1151:21, 1151:23, 1207:11, 1281:5  
**Walker** [4] - 1289:9, 1289:14, 1303:25  
**WALKER** [2] - 1290:1, 1336:7  
**walking** [4] - 1115:17, 1115:19, 1151:24, 1202:18  
**walks** [1] - 1285:6  
**Wall** [1] - 1058:20  
**wall** [1] - 1114:12  
**Wally** [1] - 1198:7  
**wants** [5] - 1083:15, 1100:14, 1122:5, 1128:3, 1215:7  
**ward** [2] - 1205:3, 1205:4  
**warned** [3] - 1120:12, 1294:24, 1295:1  
**warrant** [1] - 1288:7  
**Warren** [10] - 1080:19, 1262:21, 1263:3, 1264:4, 1264:8, 1264:15, 1264:22, 1265:5, 1265:8, 1265:11  
**wars** [1] - 1293:4  
**washcloth** [2] - 1096:8, 1096:9  
**watch** [2] - 1061:22, 1205:1  
**watching** [4] - 1105:3, 1214:11, 1215:9, 1215:10  
**water** [3] - 1065:3, 1114:20, 1289:4  
**waved** [1] - 1152:11  
**waves** [2] - 1254:5, 1254:6  
**ways** [1] - 1221:12  
**wear** [2] - 1140:1, 1194:24  
**wearing** [6] - 1094:5, 1094:6, 1095:17, 1098:3, 1253:21, 1253:22  
**weave** [1] - 1250:3  
**wee** [1] - 1158:21  
**Weed** [1] - 1143:23  
**weed** [49] - 1112:10, 1121:13, 1150:10, 1150:14, 1150:17, 1152:1, 1152:14, 1152:15, 1152:18, 1157:24, 1158:1, 1158:2, 1158:15, 1158:22, 1159:3, 1159:14, 1160:10, 1160:17, 1162:14, 1163:11, 1163:15, 1163:19, 1163:23, 1163:25, 1164:2, 1209:3, 1209:4, 1209:5, 1209:14, 1210:8, 1210:12, 1210:13, 1210:16, 1210:19, 1210:23, 1210:25, 1219:13, 1219:15, 1219:20, 1219:22, 1219:24, 1219:25, 1220:1, 1222:6, 1222:18, 1222:21, 1222:25  
**week** [13] - 1061:18, 1063:2, 1063:15, 1064:8, 1064:9, 1064:14, 1064:15, 1064:19, 1242:1, 1242:10, 1242:24, 1319:10  
**weekend** [9] - 1062:18, 1062:20, 1332:13, 1333:3, 1333:5, 1333:19, 1334:3, 1334:4, 1335:20  
**weeks** [1] - 1062:20  
**weight** [2] - 1128:10, 1180:2  
**welcome** [2] - 1129:3, 1335:9  
**well-founded** [1] - 1124:18  
**whao** [1] - 1281:8  
**whips** [4] - 1069:21, 1069:22, 1069:23, 1069:25

**white** [13] - 1094:7, 1094:8, 1095:17, 1096:6, 1096:14, 1098:3, 1151:16, 1152:3, 1156:11, 1163:12, 1198:17, 1235:7, 1254:8  
**whoever's** [1] - 1170:16  
**whole** [20] - 1077:9, 1092:12, 1100:13, 1100:15, 1107:21, 1120:18, 1120:19, 1131:18, 1143:11, 1169:4, 1172:23, 1178:16, 1198:19, 1217:23, 1217:24, 1226:16, 1266:1, 1284:20, 1286:21  
**wife** [2] - 1165:19, 1194:12  
**wild** [1] - 1250:15  
**Wilkinson** [4] - 1300:19, 1304:5, 1304:8, 1304:15  
**willing** [5] - 1141:11, 1148:8, 1230:12, 1232:2, 1279:18  
**wind** [2] - 1143:18, 1202:14  
**window** [1] - 1228:3  
**wing** [1] - 1090:2  
**winter** [1] - 1168:22  
**wiped** [1] - 1117:9  
**wiretapped** [1] - 1157:5  
**WISSEL** [1] - 1235:5  
**Wissel** [12] - 1067:10, 1105:10, 1135:16, 1140:18, 1146:25, 1147:20, 1155:16, 1173:15, 1174:17, 1299:21, 1301:11, 1314:4  
**wist** [1] - 1161:20  
**withdraw** [1] - 1327:1  
**withdrawn** [7] - 1108:11, 1121:10, 1141:1, 1161:1, 1293:24, 1316:20, 1321:16  
**Witness** [1] - 1188:25  
**WITNESS** [66] - 1065:4, 1066:13, 1074:24, 1075:3, 1075:7, 1075:9, 1075:21, 1075:24, 1076:21, 1080:13, 1080:15, 1085:20, 1086:20, 1086:23, 1087:17, 1087:19, 1088:14, 1090:8, 1093:7, 1096:8, 1096:13, 1096:15, 1102:4, 1102:11, 1104:5, 1150:3, 1155:11, 1155:13, 1157:4, 1157:7, 1157:25, 1159:2, 1159:4, 1159:7, 1159:9, 1159:15, 1160:7, 1164:13, 1169:16, 1173:9, 1174:13, 1174:16, 1188:2, 1195:5, 1210:3, 1210:5, 1210:7, 1234:3, 1258:9, 1260:20, 1269:1, 1269:3, 1289:3, 1289:14, 1289:19, 1292:21, 1305:11, 1307:1, 1307:3, 1307:8, 1310:7, 1318:16, 1327:21, 1328:1, 1331:19, 1336:3  
**witness** [70] - 1066:2, 1071:5, 1082:9, 1089:10, 1092:5, 1122:2, 1123:22, 1124:2, 1124:6, 1124:14, 1126:22, 1128:16, 1129:8, 1129:15, 1135:14, 1135:22, 1145:4, 1146:9, 1147:2, 1171:19, 1172:16, 1180:15, 1183:23, 1188:19, 1188:22, 1190:10, 1190:11, 1191:7, 1258:10, 1258:17, 1258:24, 1260:1, 1260:4, 1261:4, 1261:19, 1262:15, 1265:18, 1289:6, 1290:2,

1295:23, 1296:1, 1298:9, 1299:13, 1301:12, 1302:24, 1303:18, 1305:12, 1306:20, 1307:5, 1310:21, 1311:8, 1313:12, 1315:9, 1315:17, 1315:18, 1317:3, 1317:5, 1317:13, 1318:13, 1318:14, 1321:10, 1327:5, 1327:14, 1327:18, 1327:23, 1330:20, 1331:1, 1331:21, 1331:22, 1331:24  
**witness'** [1] - 1173:13  
**witness's** [1] - 1332:6  
**witnesses** [4] - 1060:13, 1258:14, 1313:10, 1332:23  
**woah** [1] - 1133:14  
**Women** [1] - 1250:2  
**women** [3] - 1208:20, 1248:9, 1248:16  
**wondered** [1] - 1062:15  
**Woodhull** [2] - 1204:18, 1204:21  
**word** [12] - 1068:25, 1069:6, 1077:18, 1101:23, 1156:12, 1156:13, 1156:18, 1156:20, 1272:18, 1273:21, 1305:1  
**words** [2] - 1101:21, 1334:2  
**wore** [2] - 1195:9, 1198:7  
**works** [2] - 1059:20, 1061:18  
**world** [9] - 1141:23, 1142:3, 1208:18, 1208:19, 1217:16, 1217:18, 1245:9, 1245:10, 1275:16  
**Worldwide** [1] - 1130:1  
**worldwide** [11] - 1079:14, 1079:16, 1079:17, 1079:23, 1079:25, 1082:25, 1083:15, 1083:19, 1083:21, 1084:23, 1174:23  
**worried** [1] - 1240:16  
**worry** [1] - 1242:9  
**worse** [5] - 1119:3, 1256:7, 1281:25, 1282:3, 1282:4  
**worst** [1] - 1269:23  
**worth** [4] - 1062:15, 1220:25, 1282:24, 1333:8  
**would've** [5] - 1099:9, 1221:5, 1226:18, 1325:5, 1325:7  
**wrapped** [1] - 1285:7  
**wrappers** [1] - 1210:21  
**write** [9] - 1139:6, 1139:18, 1140:8, 1148:21, 1157:10, 1322:23, 1323:23, 1324:5, 1324:16  
**writes** [1] - 1184:23  
**writing** [8] - 1173:9, 1300:11, 1300:13, 1304:19, 1304:20, 1304:24, 1305:2, 1305:5  
**written** [4] - 1319:21, 1322:14, 1325:3, 1325:7  
**wrote** [15] - 1104:16, 1138:22, 1139:14, 1139:16, 1139:22, 1140:6, 1140:9, 1140:12, 1156:23, 1172:15, 1172:20, 1243:2, 1304:24, 1314:1

**X**

**Xanax** [4] - 1151:1, 1157:25, 1158:5  
**Xanaxes** [1] - 1204:13

Y	yourselves <sup>[1]</sup> - 1063:24 Yup <sup>[1]</sup> - 1244:18		
<p><b>y'all</b> <sup>[2]</sup> - 1115:21, 1115:22</p> <p><b>yard</b> <sup>[1]</sup> - 1120:18</p> <p><b>year</b> <sup>[12]</sup> - 1076:20, 1077:17, 1084:7, 1097:5, 1097:6, 1164:25, 1165:13, 1194:17, 1194:18, 1252:13, 1308:22</p> <p><b>years</b> <sup>[36]</sup> - 1073:6, 1100:8, 1115:5, 1182:23, 1183:8, 1183:13, 1184:22, 1186:2, 1186:4, 1186:13, 1194:14, 1194:15, 1197:11, 1203:20, 1208:3, 1247:17, 1251:8, 1274:17, 1275:11, 1276:5, 1276:9, 1287:10, 1287:13, 1290:11, 1290:23, 1291:17, 1291:18, 1293:16, 1308:11, 1308:19, 1319:10, 1319:12, 1319:18, 1323:20, 1328:15, 1328:20</p> <p><b>Yeezys</b> <sup>[1]</sup> - 1253:23</p> <p><b>yelling</b> <sup>[2]</sup> - 1147:25, 1148:1</p> <p><b>yellow</b> <sup>[1]</sup> - 1098:5</p> <p><b>yesterday</b> <sup>[15]</sup> - 1066:8, 1066:18, 1073:3, 1073:5, 1090:1, 1109:4, 1112:6, 1189:5, 1191:16, 1192:9, 1206:14, 1326:23, 1334:11, 1334:18, 1334:21</p> <p><b>Yo</b> <sup>[2]</sup> - 1212:16, 1270:25</p> <p><b>yo</b> <sup>[44]</sup> - 1074:5, 1075:12, 1075:13, 1099:14, 1100:2, 1104:16, 1105:3, 1107:3, 1110:6, 1112:19, 1113:17, 1115:8, 1115:10, 1115:11, 1115:20, 1118:8, 1132:6, 1133:12, 1133:18, 1143:5, 1143:7, 1143:10, 1151:3, 1151:11, 1151:21, 1151:25, 1152:1, 1152:7, 1152:9, 1152:11, 1158:22, 1161:25, 1164:19, 1198:16, 1207:9, 1219:16, 1229:1, 1242:20, 1243:7, 1247:8, 1251:14, 1270:25</p> <p><b>Yokes</b> <sup>[1]</sup> - 1153:13</p> <p><b>YORK</b> <sup>[1]</sup> - 1058:1</p> <p><b>York</b> <sup>[27]</sup> - 1058:6, 1058:15, 1058:16, 1058:20, 1066:25, 1067:3, 1067:4, 1067:6, 1068:2, 1069:24, 1072:5, 1105:23, 1165:7, 1172:21, 1174:4, 1187:13, 1192:15, 1194:20, 1227:24, 1227:25, 1228:7, 1253:19, 1290:7, 1293:20, 1308:12, 1308:18</p> <p><b>young</b> <sup>[9]</sup> - 1111:2, 1115:5, 1180:1, 1186:16, 1193:19, 1193:21, 1208:5, 1208:6</p> <p><b>young-minded</b> <sup>[1]</sup> - 1111:2</p> <p><b>younger</b> <sup>[10]</sup> - 1072:16, 1111:22, 1111:23, 1116:6, 1176:20, 1193:5, 1193:9, 1224:4</p> <p><b>yourself</b> <sup>[25]</sup> - 1070:8, 1072:10, 1148:12, 1199:8, 1204:12, 1226:1, 1230:6, 1230:12, 1231:22, 1242:6, 1273:1, 1278:3, 1278:22, 1278:24, 1282:12, 1283:6, 1284:3, 1288:4, 1288:9, 1288:15, 1312:4, 1312:10, 1312:12, 1326:2, 1333:11</p>	<th data-bbox="605 258 1015 321">Z</th> <td data-bbox="605 331 1015 1921"> <p><b>zebra</b> <sup>[1]</sup> - 1253:23</p> <p><b>zero</b> <sup>[2]</sup> - 1134:20, 1134:21</p> <p><b>zoom</b> <sup>[2]</sup> - 1174:17, 1314:4</p> </td>	Z	<p><b>zebra</b> <sup>[1]</sup> - 1253:23</p> <p><b>zero</b> <sup>[2]</sup> - 1134:20, 1134:21</p> <p><b>zoom</b> <sup>[2]</sup> - 1174:17, 1314:4</p>